
”The Same Sun Warms the People of Great Britain and Us.”

—
British American Colonial Identity in the 1760's through the Texts of James Otis, Jr.

Tomi Metsälä
Pro gradu -tutkielma
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James Otis, Jr. oli bostonilainen lakimies, joka ensimmäisten Ison-Britannian Amerikan siirtokuntalaisten joukossa 1760-luvulla julkisesti vastusti Ison-Britannian parlamentin tekemiä verouudistuksia. Pitämällä julkisia puheita ja kirjoittamalla poliittisia pamfletteja hän ajoi siirtokuntalaisten oikeutta omaan edustukseen parlamentissa. Tässä tutkielmassa olen tutkinut yhtä hänen puheistaan sekä viittä pamflettia vuosilta 1761–1765. Tutkimuksen päämääränä oli tunnistaa merkkejä mahdollisen yhteisen siirtokuntalaisen identiteetin olemassaolosta vallankumousta edeltäneessä Brittiläisessä Amerikassa.

Apuna työssä olen käyttänyt etnosymbolismia, joka on Anthony D. SMITHin kehittämä kansakuntien ja nationalismien tutkimukseen tarkoitettu tutkimuksellinen lähestymistapa. Etnosymbolismi sisältää käsitteen etnogeneesi, joka määrittelee uuden kansakunnan syntyminen vaadittavat sosiologiset edellytykset. Tässä työssä tavoitteena oli Otisin teksteistä em. edellytyksistä merkkejä etsimällä luoda kuva mahdollisesta yhteisestä siirtokuntalaisesta identiteetistä. Samalla minulla oli myös mahdollisuus kokeilla etnosymbolismin käyttökelpoisuutta historian lähteiden analysoinnissa liittyen etnisyyteen ja etnisiin identiteetteihin.

Etnosymbolismi osoittautui hyväksi analyttiseksi työkaluksi, vaikka vastaus kysymykseen siirtokuntalaisesta etnogeneesistä osoittautuikin negatiiviseksi. James Otisin tekstit luovat kuvan siirtokunnista, jotka ovat kiinteä osa Britti-imperiumia ja halukkaita tulevaisuudessa myös jatkamaan sellaisena, kunhan heillä on myös edustus maan parlamentissa. Amerikkalaisilla oli oma erillinen nimensä mutta etnosymbolismin avustuksella tehdyn analyysin perusteella heillä ei ollut muita edellytyksiä yhteiseen etniseen identiteettiin 1760-luvulla.

Asiasanat: etninen identiteetti, etnosymbolismi, Iso-Britannia, James Otis, Jr., nationalismi, Pohjois-Amerikka, siirtokunnat

UNIVERSITY OF TURKU
School of History, Culture and Arts Studies
Faculty of Humanities

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James Otis, Jr. was a Bostonian lawyer who among the first British American colonists publicly opposed the tax policies the British Parliament exercised in the 1760's. He promoted the colonists' right for parliamentary representation with public speeches and political pamphlets. In this thesis, I have studied one speech and five of his pamphlets from the years 1761 to 1765 in order to recognise indications of a possible colonial identity in the pre-revolutionary British America.

As a supporting tool, I have used ethno-symbolism, which is an approach to the study of nations and nationalism developed by Anthony D. SMITH. Ethno-symbolism introduces the concept of ethno-genesis, which defines the sociological requirements for the formation of a new nation. By identifying marks of such requirements in Otis's texts the aim here was to form a picture of a possible colonial identity that they might reveal. Studying the texts I could also test the applicability of ethno-symbolism in analysing historical sources in the context of ethnicity and ethnic identities.

Ethno-symbolism proved to be a convenient analytical tool even though the result was negative in the matter of a colonial ethno-genesis. James Otis's texts uncover an image of colonies that are an integral part of the Empire and motivated to continue as such in the future with the addition of representation in the British Parliament. Americans had earned a distinct name for themselves but based on the analysis following the guidelines of ethno-symbolism they did not have further prerequisites for a common ethnic identity in the 1760's.

Keywords: ethnic identity, ethno-symbolism, Great Britain, James Otis, Jr.,
nationalism, North America, colonies

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1. INTRODUCTION

"No taxation without representation" is a well-known phrase in the context of the American Revolution (c.1773–1783)¹. Supposedly, the first person to express it was a colonial reverend Jonathan Mayhew in his sermon in 1750. A Massachusetts Lawyer and Politician James Otis, Jr. was one of the people, who later in the 1760's associated the statement with tyranny.² The message behind this provocative statement was simple but still multifaceted. The strife between the colonies and the British Parliament focused on the question of colonies' possibility to influence their own matters. A similar question of individual sovereignty and autonomy is essential also in the mythic British civil code, the rights of Englishmen – or in the natural rights of men.³ It is a man's right to oppose a ruler if he acts in the way of a tyrant. This notion is also familiar from the philosophy of many Enlightenment era writers. From the American point of view, in the 1760's and the 1770's, the tyrant was the British Parliament and the 'Englishman' was the British America.

In one part, the conflict between the colonists and the mother country was a matter of who truly counted as British and who did not. If the colonists were not identified as British, then who were they? Rights of Englishmen, the common law of England, the natural rights of men – are terms that create difference between the ones, who own these rights and the ones, who do not. In addition, 'Britons', 'British', 'Englishmen', 'Americans' are words that are often used very casually without really defining their exact meaning. James Otis's texts are also filled with them and other references to the origins and history of the peoples that composed the British Empire in the eighteenth century. According to the ethnographer Anthony D. SMITH (1939–) one way to promote a common future between two peoples is by reinforcing the mental images of a common past and shared memories. Reminding about past golden ages, great heroes, victorious battles and wars or symbols of ethnic or national unity strengthens people's views of kinship. On the other hand, the same features may separate nations if they are presented in a different light.⁴

1 ELLIOTT 2006, 337–339, 353.

2 ANDERSON 2000, 520.

3 I.e. in Magna Carta and in the Bill of Rights from 1689.

4 SMITH 2009, 95–97.

In this study, I read James Otis's texts from both aforesaid points of view. He defends the rights of the colonists but also at the same time upholds the unity of the British Empire; in 1765 when the dispute between the colonies and Parliament was already heated, Otis wrote that "the same sun warms the people of Great Britain and us; the same summer cheers, and the same winter chills"⁵, meaning that the colonists are still part of the same country as the Britons in the British Isles. On the other hand, the sentence also implies that there is a distinct group of 'us' and there is Great Britain, which is 'them'.⁶ Otis also refers to peoples who are neighbours of the colonies and of the Empire. He makes observations about their similarities and differences compared with the colonists. One visible issue is the presentation of the "civil rights" that Otis refers to as natural or common to all citizens of the British Empire. In general, Otis's texts are a confirmation of allegiance to the Empire on behalf of the colonists, but they are also a plea for reasonable treatment for the fellow British citizens on the western side of the Atlantic.

The perspective from which I read James Otis's texts is ethno-symbolic. Ethno-symbolism is an approach to the study of nations and nationalism and most of it has been developed by Anthony D. SMITH who has been a student of nationalism since the late 1970's and has been constructing ethno-symbolism since 1986.⁷ Ethno-symbolism introduces the concept of ethno-genesis that defines the sociological requirements for the formation of a new nation. The five required attributes for ethno-genesis are the existence of an ethnic core group and a collective proper name for the potential nation, boundary delineation, myths of common ancestry, and symbolic cultivation. I will look for these attributes in James Otis's texts in order to find indications of a possible distinct colonial group identity, and more precisely, colonial ethno-genesis. Therefore, in the end, the aim of this thesis is to form a picture of that possible colonial identity that Otis reveals us through his texts.

1.1. The Writings of James Otis, Jr.

Against the Writs of Assistance (hereinafter, *The Writs*) is chronologically the first of the James Otis documents studied in this thesis, and it is based on the manuscript notes of

⁵ Otis 1765c, 12.

⁶ Otis 1765c, 12.

⁷ SMITH 2009, 1–2.

the speech Otis presented before the Superior Court of Massachusetts in February 1761. Only the first part of the manuscript has survived but the rest of the speech has been summarised by John Adams⁸, who was present at the session and has written many other statements concerning Otis and his activities.⁹ The speech was a protest against the law concerning writs of assistance. Writs of assistance was a practise of permitting designated colonial customs officials to search for smuggled goods within any premises that were under suspicion. Therefore, a writ of assistance granted its holder a full authority to access any private property. According to James Otis and his fellow critics, this practise was against the British law. Because of the speech, James Otis has been considered one of the most influential people who undermined the rule of this law.¹⁰

The second text from Otis is named *A Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts-Bay: More Particularly in the Last Session of the General Assembly* (hereinafter, *Vindication*), which was printed in 1762. In addition to Otis's own writing, it includes extracts from letters written by others. With this document, Otis defends the actions of the House of Representatives of the Massachusetts-Bay colony, which was the legislative power of the province. The Governor and Council were the executive branch of the tripartite system of governance. *Vindication* debates the problem of power distribution and the use of power in times of extreme conditions such as war. The debate had arisen between the House of Representatives and the Governor after the latter had relocated funds from the treasury to cover expenses that were not established in any law passed by the House. Therefore, in the eyes of Otis and the House of Representatives, the Governor had exceeded his rights as an executive power of the government.¹¹

Year 1764 saw the beginning of a tax streak laid upon the colonists. Three significant laws that the British Parliament imposed, the Currency Act in 1764, the Sugar Act also in 1764 and the Stamp Act in 1765, set a snowball of opposing pamphlets, protests, and riots in motion in the American colonies. These laws were imposed in London without colonial representation in Parliament, which was viewed as a direct violation of the colonists' rights as Englishmen and as the citizens of the British Empire. For the first

⁸ Best known as the President of the United States 1797–1801.

⁹ For example in Adams 1856.

¹⁰ FRESE 1957, 496–498.

¹¹ Otis 1762, 39–45.

time in the history of the colonies, there was a cause all of the British America would see in common while at the same time conflicting with the views and interests of the mother country.¹² *The Rights of the British Colonies Asserted and Proved* (hereinafter, *The Rights*), written in 1764, is the longest and the most significant document that James Otis produced.¹³ It is a pamphlet where he states his views on the relationship between the British Parliament and the North American colonies, what are the latter's rights and privileges, and how its government ought to be organised and maintained. Otis disputes the Parliament's right to tax the colonies without their own representation in the process by, for instance, referring to the ancient laws of England, therefore making it a constitutional issue.¹⁴

The last three texts are James Otis's contribution to the Stamp Act Crisis that erupted after March of 1765. The Stamp Act imposed a duty on all paper products that were shipped to America, including legal documents, books and newspapers.¹⁵ Otis's pamphlets, *A Vindication of the British Colonies, against the Aspersions of the Halifax Gentleman, in his Letter to a Rhode-Island Friend* (hereinafter, *The Halifax Gentleman*) and *Brief Remarks on the Defence of the Halifax Libel on the British-American-Colonies* (hereinafter, *Brief Remarks*), were parts of a public debate he had with Martin Howard, who was a lawyer from the Rhode Island colony but nevertheless a supporter of the Stamp Act. In these pamphlets, Otis continues to attack the right of the British Parliament to tax the American colonies without their representation. However, his message in these two documents seems to have been slightly erratic when compared with his previous in *The Rights*. Yet, the motive is still evident: Otis defends the colonists' equal rights among the citizens of the Empire. *Considerations on Behalf of the Colonists* (hereinafter, *Considerations*) was the last of Otis's pamphlets from 1765, and after that, the public could read his writings and further debates only on the pages of local newspapers.¹⁶

The texts that I use as primary sources were written between the years 1761 and 1765. During this period, British America lived in a time of transition. At the beginning of the

12 ELLIOTT 2006, 305, 313–315.

13 BRENNAN 1939, 691.

14 Otis 1764.

15 ELLIOTT 2006, 305.

16 BRENNAN 1939, 700–710, 716–721.

decade, the Seven Years' War (1756–63)¹⁷ was still raging and the colonists fought against a common enemy side by side with their fellow citizens from Europe. By the middle of the decade, the previous battlefield had disappeared and a new one was about to rise. This time it would lie between former brothers in arms. I find this period interesting because of the sensitive transition in emotions, attitudes and loyalties that the Americans undoubtedly went through at the time. Surely, many thought that the Empire had turned its back on them, but still very few would seriously consider the colonies separating from the mother country. The colonists' identity must have been in a state of flux, and therefore, very receptive to influences from, for example, skilful writers like James Otis.

However, based on Otis's texts we cannot know or speculate the thoughts and emotions they engendered in the people who read them in the mid-eighteenth-century America. We are only able to locate and analyse the markers that may have generated an emotional response in the reader's mind. These markers are linked to memories, symbols, myths, traditions and values that either separate or bring together these peoples on the opposite sides of the Atlantic, and finding these markers from Otis's texts is the way we apply the ethno-symbolic approach to them.

As mentioned earlier, *The Halifax Gentleman* and *Brief Remarks* slightly differ from the other documents by Otis that I study here. Otis's arguments in these two pamphlets are somewhat confusing in their logic compared with the previous texts and the one that follows them.¹⁸ However, had he speculatively lost his mental health and reasoning or not during that time, it does not make much difference in this thesis. Logic is quite irrelevant – the "mental markers" that are found in the texts, matter. Hence, I dare include all the aforementioned documents in this study.

In this thesis I am addressing several intersecting discourses while searching answers to the questions I ponder. On the one hand, there is the political scene – the dispute on power of taxing and the system of governance. On the other hand, we have the discourse on identities and birthrights that give someone the privilege to be called, in this case, British and share the same history and values with them. This forces us to

¹⁷ In the British colonies the war was known as the French and Indian War.

¹⁸ FERGUSON 1979, 194–195.

further explore the myths of the history of Britain and the different local identities it touches and consists of. Again, this problem is very much related to nationalism and to the debate on the nature and definition of nationalism in general.

The words that we must be careful with are the ones that somehow define ethnic or national identities. 'British', 'Briton', 'American', 'English', etc. may have different significance in different contexts, and may therefore also create different conceptions in the minds of the readers or listeners. That is why these words are also the most intriguing ones in the interest of the objectives of this thesis. We cannot define their meaning beforehand but we must analyse them and draw our conclusions case by case. We will look in to the ways that James Otis names peoples, countries and states in Chapter 2.1.

1.2. Anthony D. SMITH and Ethno-symbolism

Nationalism, as a phenomenon, its beginnings and the definition of it have been contested issues among historians and sociologists for decades. Nationalism is also linked to other group identity related concepts such as nation, ethnicity, race, culture, and nation state. From a student's point of view, the more one reads and learns about researching nationalism, the more complex and controversial the discourse seems to be.

Benedict ANDERSON, one of the great ones among the researchers of nationalism, wrote in 1983 that nation-ness and nationalism are particular kinds of cultural artefacts; they need to be investigated for their historical background, as well as for the change their meaning has gone through in the process of time. In addition, to understand them we also need to study the reason for their strong emotional legitimacy today.¹⁹ Another one of today's celebrated social scientist Craig CALHOUN has described nationalism as

a discursive formation that gives shape to the modern world. It is a way of talking, writing, and thinking about the basic units of culture, politics, and belonging that helps to constitute nations as real and powerful dimensions of social life.[...]To say that nationalism is part of social imaginary is not to say that nations are mere figments of the imagination to be dispensed with in more hard-

¹⁹ ANDERSON 2007, 37.

headed analyses.²⁰

Hence, nationalism is much more than a single, and simple, ideology among 'isms'. It is a multifaceted framework that gathers together many interrelated themes. The development of ethno-symbolism was preceded by generations of scholars, who were interested in nations, ethnicity, anthropology, and social sciences in general. By the early nineteenth century, at the latest, nationalism as an ideology and as a way of organising a nation state, had conquered Europe. At least that much has been agreed among all the writers and researchers of nationalism. The rest of the subject has been under debate since the mid-nineteenth century.

Anthony D. SMITH was one of the social anthropologist Ernest GELLNER's students at the London School of Economics in the 1970's, thereby he was initially part of the modernist school, the followers of which consider nationalism to be purely a phenomenon of the modern era.²¹ Modernists view that nationalism is a product of the same elements – either all or a number of them – as modernity itself: industrialisation, urbanisation, the printing revolution, capitalism, reformation, and the importance of vernacular languages in Post Medieval Europe. According to modernists, nations have not created nationalism but nationalism has created nations.²² In contrast to modernists, primordialists see that nations have a place of birth that could be traced back hundreds, or maybe thousands of years. Some think that members of a nation are connected together by a biological link, while others define a nation as a cultural community, which is held together by its members will to be a part of it and their wish to adopt the cultural features and practises that the community associates itself with. Moderate naturalists may be called perennialists. Perennialists see that nations are communities that every now and then rise and flourish before withering into a dormant state again.²³

What ethno-symbolism offers to the field of nationalism research, is corrections to certain parts in other theories positioning itself between the modernist and perennialist views.²⁴ Anthony D. SMITH has published books on nations and nationalism since the 1980's and his theory of ethno-symbolism developed into its current form in the late 1990's. In *Nationalism and Modernism. A critical survey of recent theories of nations*

20 CALHOUN 2007, 27.

21 SMITH 1998, 27–28.

22 See for example ANDERSON 2007, GELLNER 2008 and SMITH 1998.

23 SMITH 1998, 22–23, 145–147, 159.

24 SMITH 2009, viii–1.

and nationalism (1998) he defines the ethno-symbolist position in the field by debating against modernist researchers, such as GELLNER, ANDERSON, and Anthony GIDDENS, while also digging into the earlier pre-war classics of sociology like Ernest RENAN²⁵, Max WEBER²⁶, and Émile DURKHEIM²⁷. Since then, SMITH has refined the approach in his later works during this century, for example in *Ethno-Symbolism and Nationalism. A cultural approach* (2009). In the book, Anthony SMITH emphasises that the opinions and views on ethno-symbolism are his own.²⁸ Hence, in this thesis, while using the book as my main source of ethno-symbolism I may also refer to the approach as being one of SMITH's, instead of a group of researchers.

According to SMITH, the existence of a nation is very much associated with and based on ethnicity and ethnic communities. A nation will emerge when an ethnic community has a homogenous core population, an elite, perhaps, that is politically and culturally active in the community pushing it toward independency or autonomy.²⁹ For ethno-symbolists, a nation is defined as

a named and self-defining human community whose members cultivate shared memories, symbols, myths, traditions and values, inhabit and are attached to historic territories or 'homelands', create and disseminate a distinctive public culture, and observe shared customs and standardised laws.³⁰

These memories include sacred places, golden ages, victories and defeats, heroes, saints and foes that this community shares and recognises as their common cultural building parts from history.³¹ These kind of memories, symbols, myths, traditions and values I will look for in James Otis's writings.

Anthony D. SMITH emphasises the experience of a nation to its members. Nation, in the same way as the ethnicity of a group, is based on the distinctiveness of it from the members' point of view – and from that of other peoples. Modernists stress the state

25 SMITH 1998, 9–10.

26 SMITH 1998, 13–14.

27 SMITH 1998, 15–16.

28 SMITH 2009, 2.

29 SMITH 2009, 28.

30 SMITH 2009, 29.

31 SMITH 1998, 191.

building aspect of nationalism. The general modernist view is that nationalism is a prerequisite or even a tool for creating autonomous political units that operate in the global system of nation states. The modernist aspect stresses the top-down nature of nationalist cause; a political elite is the locomotive of a national rising and the only factor that is needed in creating a new nation. Perennialist and ethno-symbolic views see the political program as only one actor in the project defending also the bottom-up side of national self-consciousness. A group of people needs to experience that they have some shared attributes or roots in history in order to achieve a sustainable nation in the present and in the future. As ANDERSON points out, the experience may be mainly imagined. However, the experience is still real to the people sharing it. Perennialists see that a nation is a phenomenon that can be traced back in history, while modernists restrict the existence of nations only to the modern period. For ethno-symbolists the truth lies somewhere in between.³²

According to SMITH's ethno-symbolic approach, forming a new nation requires several processes and attributes before it earns a possibility to succeed. Four of them are territorialisation, the existence of shared customs and standardised laws, the existence of a distinct public culture, and the process of ethno-genesis. Territorialisation refers to the strong emotional attachment of the community to its homeland that it has lived in for generations. The members of the community identify themselves through the land where they – and often also their family – have born and grown up. A homeland is part of the people's history and connected with personal and communal shared memories. A certain ethno-scape is attached to a community by the community itself but also by other people. For example, the Norwegians are associated to fjords while the Argentinians are often pictured as the people inhabiting the pampas. The so called diaspora ethnies do not have a state of their own although they may have attached themselves to a territory that has been their home before, as was the case with the Jews for generations. Diaspora ethnies may also live in their historic homeland without having a state of their own. This is the case, for example, with the Scots and the Catalans.³³

Especially when a group of people does not have a common historic homeland that would create a sense of unity and solidarity, a need for other attributes for compensation

32 ANDERSON 2007, 39; SMITH 1998, 19–22, 29; SMITH 2009, 6–9, 13–14.

33 SMITH 2009, 49–51.

arises. Shared customs and standardised laws, as well as common religion, help in finding a sense of fraternity and belonging among its members. They bind people together by creating an environment of social control without official, state-based law enforcement. Religion is also one part in upholding a distinct public culture, which differentiates one community from others. Public culture includes small and big events, items, public symbols and codes that the members of the community see, hear and experience in celebration and in their every day lives. Shared culture can be seen in clothing, gestures, currency, architecture, music, names of places and people, flags, signs, and regular festivals and events. In addition to territorialisation, shared customs, standardised laws, and a distinct public culture, nation formation needs the process of *ethno-genesis*, on which we will focus in this thesis. SMITH lists the sociological foundations for the process: *the existence of an ethnic core and a collective proper name, boundary delineation, myths of common ancestry, and symbolic cultivation*.³⁴ These are the five aspects of ethno-genesis that we will look for in James Otis's texts.

SMITH's ethno-symbolism has been associated with theories in other fields of science, for example genetics. J.Philippe RUSHTON supports the so called Genetic Similarity Theory and links the ethnicity aspect of ethno-symbolism to ethnic altruism and nepotism as well as to Darwin's evolutionary psychology. RUSHTON emphasises that SMITH's theory integrates history and psychology addressing nationalism more convincingly than socio-economic theories. According to Genetic Similarity Theory, "likeness goes with liking"; genetically similar people tend to favour each other and genetic closeness also increases the probability of procreation. Therefore, RUSHTON connects ethnicity and ethno-symbolism to group cohesion and forming of psychological bonds between the members of a group.³⁵

There is also criticism. For example, Turkish scholar of nationalism Umut ÖZKIRIMLI has zealously criticised ethno-symbolists – primarily SMITH and John HUTCHINSON, who are the most renowned supporters of the approach. ÖZKIRIMLI identifies himself as an 'anti-nationalist', who opposes every kind of expression of nationalism. He criticises ethno-symbolism for propping nationalism instead of studying and analysing it. According to ÖZKIRIMLI, by presenting Jews as an example of an ancient prototype of a nation, ethno-symbolism supports Jewish present-day nationalism. He also blames

34 SMITH 2009, 45–48, 50–51. ERIKSEN also discusses ethno-genesis in ERIKSEN 2010 in Chapter 5. However, his viewpoint is more anthropological.

35 RUSHTON 2005, 490–303.

ethno-symbolism for being naive and prone to generate senses of uncalled-for nostalgia. He argues that ethno-symbolism justifies its position by criticising modernist and post-modernist theories using insufficient and false knowledge. ÖZKIRIMLI sees that the ethno-symbolist approach is in many parts ambivalent and contradictory, for instance in its terminology and logic. SMITH defends his approach against ÖZKIRIMLI by stating that ethno-symbolists do not want to return to the past, to the times that nations draw their myths, memories, traditions and symbols from. Instead, ethno-symbolism is about neutrally understanding those times and the influence the past has offered to modern nations and nationalisms.³⁶

Several other scholars from different perspectives have also commented on SMITH and ethno-symbolism. Montserrat GUIBERNAU and John HUTCHINSON have referred to SMITH's theory as "path-breaking contribution to the study of nations and nationalism". Views of HUTCHINSON, SMITH's student and a fellow ethno-symbolist, are naturally positive and close to those of SMITH. GUIBERNAU, however, argues that SMITH's theory in some ways confuses the concepts of nation and state giving a nation characteristics that should instead define a state. To GUIBERNAU's comments SMITH reacts by again stating that, like a state, a nation also has certain political features such as markings of public culture, those being public symbols, rituals, codes, and values. Those features, SMITH reminds, may exist without the existence of an official sovereign state. Furthermore, as a correction to his earlier definition, SMITH updates his depiction of a national identity as³⁷

the continuous reproduction and reinterpretation of the pattern of values, symbols, memories, myths and traditions that compose the distinctive heritage of nations, and the identification of individuals with that heritage and its cultural elements.³⁸

John ARMSTRONG is a researcher of nationalism who has influenced SMITH's work. While agreeing with SMITH on several issues, i.e. the perennial nature of nations, ARMSTRONG has also pointed out some problems in the ethno-symbolic approach. He has not been completely convinced about SMITH's definition and periodization of

³⁶ SMITH 2009, 106; ÖZKIRIMLI 2003, 340–352.

³⁷ GUIBERNAU & HUTCHINSON 2004, 1, 7; SMITH 2009, 109–110.

³⁸ SMITH 2009, 109.

nationalism, and the chronological distinction he has made between *ethnie*³⁹ and nation. ARMSTRONG sees that further research made outside Europe would refine the definitions of nation and *ethnie*, which would make them apply better on a global scale. However, ARMSTRONG agrees with SMITH on the importance of religion concerning nations and nationalism and their research.⁴⁰

Another scholar that has had an apparent effect on SMITH's ethno-symbolism is the anthropologist Thomas Hylland ERIKSEN. His views on ethnicity are partly included in the approach but there are differences, of course. According to ERIKSEN, SMITH connects historical myths, memories, symbols and traditions too keenly to ethnicity and to an ethnic group although the same attributes could define and generate also another kind of corporate entity. Therefore, ERIKSEN in some parts questions the validity of SMITH's definition of ethnicity and nationhood. He has also disagreed on the idea that there would be an unbroken link between some pre-modern communities and modern nations.⁴¹

1.3. Related Discourses and Previous Research

There are several discourses that we are dealing within the frames of this thesis. Nationalism, national identity and ethnicity are three obvious keywords that are on the table constantly. They are parts of the sociological side of the theme while at the same time we are also studying the history of Great Britain, American colonisation as well as the United States. In addition, James Otis's pamphlets lead us to discuss the details of British law and government in the mid-eighteenth century and its developments before that. Also being our primary source James Otis as a person is naturally one target of interest here.

I have come across very little research on James Otis himself. In size, the most significant work about Otis is his biography written by William Tudor in 1823. It is a narrative that covers Otis's entire life from his childhood to his actions in politics and public affairs, including also the beginning of the speech in *The Writs*⁴² and John Adams's notes of the remainder of it. The biography is written in a very admiring tone

39 A.k.a. ethnic community. SMITH 2009, 24.

40 GUIBERNAU & HUTCHINSON 2004, 4; SMITH 2009, 2.

41 ERIKSEN 2010, 129; GUIBERNAU & HUTCHINSON 2004, 5–6.

42 Tudor 1823, 62–68.

about a nation's great patriot. Later research on Otis consists mainly of articles published in journals that concentrate on American history. Research is scarce and spread across the twentieth century. The articles address the political aspects – the taxation and representation – that Otis so zealously talked about. On legal and governmental issues, Otis is mentioned in many studies relating to the last years of the British colonial America and to the American Revolution, but only as one among other influential men in the process of founding the United States. Moreover, thus far research on Otis has not handled issues concerning his influence on American identity or nationalism. Therefore, the sociological ground of James Otis's work still seems to be fairly unexplored.

Another relevant theme is the birth of nationalism, which has generally been dated to the late eighteenth century. Although highlighting the importance of the revolution in print media, Benedict ANDERSON directly links the thirteen British colonies in North America to that process. According to ANDERSON, nationalism was initially an idea and a principle to oppose colonial masters. By the eighteenth century, the overseas colonies had become to a great extent autonomous and isolated from their mother countries. They were lead by creoles whose family origins were in Europe but who themselves were born in the colonies. Especially in Latin America they were to remain stuck between two worlds. They were not Europeans but they were not native Americans either. Therefore, the force behind the wave of independence movements in American colonies in the late eighteenth and the early nineteenth centuries were generated by the leading creoles, not the common people, of the colonies.⁴³

Thomas Hylland ERIKSEN acknowledges and understands both the primordialist views and the modernist arguments of nationalism. From the point of view of ethnicity, ERIKSEN sees it as a concept closely related to nationalism, because in most cases of nationalism, there is an ethnic dimension involved.⁴⁴ In his research, ERIKSEN concentrates on ethnicity and ethnic groups and identities. ERIKSEN defines 'ethnicity' as “an aspect of social relationship between people who consider themselves as essentially distinctive from members of other groups of whom they are aware and with whom they enter into relationships.”⁴⁵

43 ANDERSON 2007, 89–90, 100–102.

44 ERIKSEN 2010, 144–146.

45 ERIKSEN 2010, 16–17.

Differentiating from ethnicity, ERIKSEN describes 'culture' as a conceptual system shared by a certain group of people. The members of the group recognise the system and also use it in their daily lives – some more, some less. On the other hand, in case of peoples or ethnic groups, ethnicity in its simplest form is about making a difference between 'us' and 'them'. Ethnicity exists only when at least two groups are involved. Ethnicity signifies a relation between those groups, while a culture is a system of its own with relations and shared concepts between its members. An ethnic group recognises its difference from its designated other, a neighbour perhaps, categorising it differently from itself. Although the groups could in reality be culturally very much alike, the image of a difference is created by the lack of communication and interaction between them. The groups create this image among themselves by, for example, marking the difference in language, habits and territorial space. Developing stereotypes of 'us' and 'them' is an essential part of the mental imagery among ethnic groups.⁴⁶ I will use these ERIKSEN's definitions of ethnicity through my work. Subsequently, we will find that Anthony D. SMITH follows very much the same definitions. Ethno-symbolism is related to all the aforementioned concepts – nationalism, ethnic identity and culture – and in this thesis we will discuss them together with British history and the American colonies in the time of James Otis.

1.4. Bringing Otis and SMITH Together

Studying nationalism, ethnicity and group identities includes mostly constructing theories based on a research that has been compiled today and on groups that live today or have lived in the near, documented past. This is the way of anthropology and sociology, which keep their focus on modern era and modern group phenomena. The longer historical view, and the examples it may provide on these developments, has in many cases been left aside.

In this thesis, one of the challenges is in combining sociological nationalism studies to the humanistic methods of historical research. How to find the right balance between these two branches of science so that the result of this work could be seen valid from both points of view? The starting point is that I have chosen Anthony D. SMITH's ethno-symbolism to be my theoretical telescope, through which I read James Otis's mid-eighteenth-century texts. I find ethno-symbolism to be a suitable method to apply here

⁴⁶ ERIKSEN 2010, 15–17.

because of its respect for pre-modern aspects of ethnicity and nationalism developments. The period I am studying in this thesis dates to the shift from pre-modern to modern era, to which the modernist school tends to date the birth of the first nationalist ideologies and movements. For ethno-symbolism the period is less meaningful in the matter because of the more perennialistic view of the approach. My method is to pick out from the texts the discourses that can be put under an ethno-symbolic analysis and, thereafter, to produce a result that would reveal something about the possible nature of a colonial identity in James Otis's time.

In general, social sciences and nationalism studies address big pictures and general theories of group behaviour and relations. Conversely, the sources for historical research are exact, well delimited samples of history, which are usually produced by one person or a small group of individuals. In this study, that sample is from James Otis alone, but the theory I apply to it, and the result I seek to extract from it, usually addresses identities of larger groups. However, one man cannot define the identity of an entire nation – if such exists. Hence, this thesis is a “field experiment” of the ethno-symbolic approach as a tool, and after testing it on James's Otis work material, I will assess its usability as part of the conclusions.

Studying the mid-eighteenth-century colonial America through James Otis's pamphlets using the ethno-symbolic approach includes also the necessity to go even further back in time when Otis makes references to historic events from his own time and perspective. We need to explore his national “memories, symbols, myths, traditions and values” that he tells or hints us about. Therefore, in addition to Otis's own time, his past is another time that our ethno-symbolic telescope is targeted at. We will travel through this thesis in the company of both Mr. Otis and Mr. Smith, and in the end, when Mr. Otis has told his story, we will see if Mr. Smith can generate any useful response to it. First, in the next chapter, we will try to find out, which group of people Mr. Otis identifies himself with. After that in Chapter 3., we will get to know the neighbours of his people and the borders that differentiate them from these neighbours.

2. THE 'WE' IN THE WRITINGS OF JAMES OTIS

Who are WE? It is a miracle he had not affirmed, that the colonies rival Great Britain in trade also. [...] As the colonists are British subjects, and confessedly on all hands entitled to the same rights and privileges, with the subjects born within the realm, I challenge Mr. J---s or any one else to give even the colour of a conclusive reason, why the colonists are not entitled to the same means and methods of obtaining a living with their fellow-subjects in the islands.⁴⁷

In *Considerations*, James Otis passionately answers to the statement of Soame Jenyns, who was a member of the Board of Trade from 1754 until 1780, and during that time promoted Parliament's right to tax also those citizens who were not directly represented in the Houses.⁴⁸ Jenyns talks of 'we' and 'they', the former being the mother country and the latter the British American colonies.⁴⁹ Hence, Jenyns creates a borderline between groups within the Empire, while Otis wants to deny its existence.

According to SMITH, "the main theoretical task of an ethno-symbolic analysis is to provide a cultural history of the nation as a type of historical culture community" meaning that ethno-symbolism looks in to the changes in cultural self-image and sense of identity of a given culturally defined population. Through the passage of time, the continuously reforming self-images, identities, internal conflicts, as well as political and ethnic divisions compose the group's current self-image, which is the 'we' part in the generation of an ethnîe.⁵⁰

As we have learned before, the sociological foundations for the ethno-genesis are the existence of an *ethnic core* and a *collective proper name, symbolic cultivation, myths of common ancestry*, and *boundary delineation*.⁵¹ The first three can be associated with the 'we' aspect of a community while the questions of ancestry and boundary delineation may also touch 'them' who are not part of the community and are seen as different. Next in this chapter, I will read James Otis's mid-eighteenth-century writings and try to find the 'we' in them.

47 Otis 1765c, 21–22.

48 The History of Parliament: CANNON 1964, electronic document.

49 Otis 1765c, 21, cited from Jenyns 1765, 11–12.

50 SMITH 2009, 39.

51 SMITH 2009, 45–48.

2.1. Naming Territories and Peoples

An important character concerning ethno-genesis is *the existence of a proper name* for the group in question. In addition, the name should be generated by the members of that group. Naming ethnic categories may, at its simplest level, be done from the outside, perhaps by a neighbouring people or a majority of the nation. However, in the case of ethno-genesis, the group itself must use the chosen name and at least the members of the ethnic core should identify themselves as representatives of the people it stands for.⁵²

James Otis was a native of Barnstable, of the Massachusetts Bay Colony and of the Dominion of New England.⁵³ In addition to that, at the time he when wrote his pamphlets, he could also be counted as an American and British – what ever they may have meant. The meaning of each word is, in fact, subjective. The choice of words when discussing about countries, peoples and nations is something that reveals quite a lot about the writer's view of the world. If I were to interpret ethno-symbolism and discuss naming of peoples and lands by using its tools, I would consider names of countries as symbols of societies that have occupied certain territory of land during certain time period in history. Furthermore, these societies are peoples and nations that have common memories from that certain time period in addition to myths and traditions the origins of which date back to earlier times of that period. Hence, names define borders in time and space and identify the people within them.

James Otis discusses issues concerning peoples living in both Europe and North America using words like 'American', 'English', and 'British'. What these words mean in each case, may depend on the context. By studying Otis's usage of them we can learn about his views on the map of nations and national identities in the mid-eighteenth century Europe and America. In the matter of possible ethno-genesis of the British colonists, we can search for names that distinguish the colonists from other ethnic categories Otis writes about. We should also keep in mind, however, that Otis's sphere of operation and influence was mainly local, in Massachusetts and New England.⁵⁴ Therefore, from his texts we cannot necessarily draw any conclusions that would cover the entire British America, because we have to take into account the possibility that in some matters, Otis may also see some other British colonies as part of the Other.

⁵² SMITH 2009, 27, 46.

⁵³ Tudor 1823, 7.

⁵⁴ Based on Otis's biography: Tudor 1823, 1–29.

2.1.1. Britishness and Everything that Comes with It

In the Middle Ages, the Kingdom of England with its people, the English, became the dominant power on the island of Britain. The kingdom was still called England although it was expanding beyond the borders of the old realm by gradually occupying its neighbouring ethnic groups. The name of the island of course remained 'Britain' as it had been for centuries. Wales had been annexed to England already in 1536. In 1603, the Scots and the English were united under one single monarch as the King of Scots, James VI was crowned as the King of Great Britain and renamed himself as James I. A century later, in 1707, the Acts of Union completed the coalition by merging together also the parliaments of the two realms. In the eighteenth century, a need arose for an expression that would define the new empire.⁵⁵

After the Acts of Union, the island was under one regime but there were still two peoples that had very distinctive identities. These identities the English and the Scots had very much strengthened in cooperation with the help of the wars and hatred the neighbours had endured in the past centuries. Therefore, for the respect of history and the strong Scottish and English identities that were present at the time of the unification, neither was given the privilege of giving its name for the new kingdom, but a new one was to be taken into use. Officially the state was called Great Britain and its people were British. Indeed, according to Linda COLLEY, by the middle of the eighteenth century these expressions were in use also in everyday vocabulary. However, the localities had not waned either, but expressions like 'English' and 'Scottish' were used whenever they seemed to suit the occasion. Also the Welsh still had an identity of their own although they had been part of the Kingdom of England for centuries.⁵⁶

James Otis refers to the Scots or the Welsh only very rarely. The same applies to Ireland and the Irish. Otis's main concern lies with the issues between the North American colonies and the imperial government, therefore mentioning the other groups of the British Isles only in relation to them. He compares the colonies, Scotland and Wales in the matter of parliamentary representation: Otis cannot see any reason why the colonies should not have members in Parliament in the same way as Scotland and Wales.⁵⁷

⁵⁵ ELLIOTT 2006, 17; HASTINGS 1997, 61–62; MORRILL 2000, 91.

⁵⁶ COLLEY 2009, 11–14.

⁵⁷ Otis 1765b, 9; Otis 1765c, 3, 28, 40.

Words related both to England and Britain are frequently used by Otis. The word 'England' itself he uses only a few times for designating the name of the geographic territory on the island of Great Britain.⁵⁸ However, the adjective form 'English', which also denotes a person or persons, is used numerously – in addition to the form 'Englishman'. For Otis, the English are the people living in the mother country that is England. He also separates Englishmen from the people of colonies, which suggests that for him, contemporary colonists were not Englishmen. 'English' is also the word for differentiating the people of England from foreign peoples, for example, the neighbouring French.⁵⁹

In some cases, though, there are ambiguities in Otis's use of words. Otis may talk about "English law books", although the law of the entire Great Britain is in question. "The rights of Englishmen" is a popular phrase coming from Otis and many of his contemporaries. The rights were considered to be ancient in origin and common to all English subjects. In Otis's opinion, the rights of Englishmen covered the entire Empire, including the colonies.⁶⁰

In *Considerations*, Otis comments on a statement of Soame Jenyns on Parliament's right to tax the citizens not directly represented in it. The British American colonists were one group of citizens among them. Answering to Jenyns, Otis makes a very clear distinction between 'English' and 'British':

"A measure which must not only be approved by every man who has any property or common sense, but which ought to be required by every English subject of an English administration" --- I thought all subjects were now British, and the administration too.⁶¹

In *The Rights*, Otis also reminds the reader about the name of the state he lives in at the same time implying that Great Britain is the direct successor of England:

I am aware it will be objected, that the parliament of England and of Great-Britain, since the union, have from early days to this time, made acts to bind if

58 Otis 1764, 36, 42; Otis 1765c, 5.

59 Otis 1764, 82; Otis 1765c, 33.

60 Otis 1764, 106; Otis 1765a, 23.

61 Otis 1765c, 44.

not to tax Ireland[...]⁶²

Similarly Otis seems to think of a 'nation' as a synonym for a state or an empire, for in *The Halifax Gentleman* he states that "the English nation expired about fifty years since, in the union of the two kingdoms"⁶³. In the same pamphlet, he also parallels nation with a country that has its own parliament. In *Considerations*, though, Otis speaks of "the inhabitants of the British nations and of the dominions of the British crown" making it difficult to determine if he defined a 'nation' as an empire or as a part of one.⁶⁴

Also the word 'Briton' seems to be a little ambiguous. Otis uses it to identify the British that are natives of the island of Great Britain. In some cases, it also refers to the British that live in the American colonies. However, as has been established above, 'Britishness' is not ambiguous for Otis. All subjects of the Empire and of the monarch are British regardless of the continent, among others including the English, the Scots, the Welsh as well as the colonists. The monarch, Parliament and the constitution of Great Britain, and the privileges of its subjects are the successors of those of England. In the case of the Empire's internal affairs, such as trade, Otis's use of vocabulary is slightly different: 'Great Britain' and 'British' mean the mother country, its people, industry and goods while the partners and the land they are trading with may be referred to as 'the colonies' or 'the Americans'.⁶⁵

Although referring to and agreeing with Linda COLLEY in many issues,⁶⁶ Adrian HASTINGS also emphasises the importance of the use of 'England' and 'English' in the eighteenth- and nineteenth-century British vocabulary. The history of England and the English was still the dominant source of national imagery and consciousness that would be used in addressing the masses of the Empire. The new national label offered different things to the peoples around the United Kingdom. In England, Britishness was more or less a synonym for Englishness because of the idea of direct continuity between the states of England and the state of Great Britain. For the Scots and the Welsh, Britishness was an additional level of national identity that would easily cooperate with the old ones. The Welsh could again identify themselves as Welsh, not as a conquered people,

⁶² Otis 1764, 65.

⁶³ Otis 1765a, 3.

⁶⁴ Otis 1765a, 24; Otis 1765c, 51.

⁶⁵ Otis 1764, 23, 42, 52, 83, 85, 88, 92, 99, 107, 115; Otis 1765a, 47; Otis 1765b, 11; Otis 1765c, 2, 11, 22, 52.

⁶⁶ Above and in COLLEY 2009.

which they had been since their annexation to the English kingdom. At the same time, they would be a part of a larger union of peoples. The Scots were also put in front of a bigger mirror that they could reflect their identity from. In addition to their old southern neighbour, they had been given a chance to cooperate with several new peoples within the union in Great Britain and across the seas.⁶⁷

2.1.2. The Colonies of America

How about the western side of the Atlantic Ocean? Who were the colonists that had roots in Great Britain but had inhabited North America for generations? What were these people called in the mid-eighteenth century? James Otis proudly states that the continent of North America was found first by British subjects – the Cabots. With this somewhat anachronistic statement he again treats England and Britain as one state that has nearly changed its name at some point in history. Besides as a name of a geographic territory Otis uses ‘North America’ to refer to Britain’s colonies on the continent of North America. The same applies to the word ‘America’.⁶⁸

The colonies are referred to as ‘American colonies’ or ‘British colonies’ – or simply as ‘the colonies’.⁶⁹ Otis also makes it clear what the relationship is between the colonies and the mother country. Again, it is Soame Jenyns who needs to be educated on the matter:

But Mr. J----s will scribble about “our American colonies.” Whose colonies can the creature mean? The minister’s colonies? No surely. Whose then, his own? [...] He must mean his Majesty’s colonies. His Majesty’s colonies they are, and I hope and trust ever will be; [...] ⁷⁰

This was very true, because the colonies were founded by order or consent of the king, not of Parliament; in the colonies, this was the common view of the relationship between the two parts of the Empire.⁷¹ On the European side, the image of America and its colonial inhabitants was fairly different. COLLEY uses a piece of art as an example: a mezzotint by John Dixon from 1774 depicts Britannia as a group of four women

⁶⁷ HASTINGS 1997, 62–64.

⁶⁸ Otis 1762, 8; Otis 1764, 88, 112; Otis 1765b, 9; Otis 1765c, 4.

⁶⁹ Otis 1764, 36, 49, 88; Otis 1765a, 28; Otis 1765b, 9; Otis 1765c, 33.

⁷⁰ Otis 1765c, 13–14.

⁷¹ LLOYD 2001, 7–20.

representing England, Scotland, Ireland, and America.⁷² Out of these four, America is the distinct one, who looks like a wild Indian with dark complexion and bare arms and legs. America is armed with a bow and arrows, and she lurks the other three from the dark. America is seen both as a noble princess but also as dangerous to the old country. Of course, the image did not reflect the reality, because the colonists were mostly of English descent and shared the same cultural characteristics with their distant relatives in Great Britain.⁷³ The older colonial families had naturally adopted to the ways and circumstances of North America more than the younger ones; therefore, they had also developed cultural distinctiveness when compared to their contemporaries in Great Britain. For the early colonists, ‘Americans’ were the Indians, the original inhabitants of the continent, but by the mid-eighteenth century also the colonists had taken ‘Americanness’ as their own.⁷⁴ By the case of Dixon and his fellow English, this news had not yet reached Great Britain, though.

Otis places ‘American’ against ‘European’: “Can any one tell me why trade, commerce, arts, sciences and manufactures, should not be as free for American as for an European?”⁷⁵ With this Otis actually questions the policies on industry and trade between the mother country and the colonies; in America, the level of industrial products were kept low by law if there were higher level products manufactured and available in Great Britain. Thereby, the higher level products were sold only from the mother country to the colonies and the lower level products to the opposite direction.⁷⁶ Otis also answers to Soame Jenyns on his accusations towards American born judges and officials by using a comparison between ‘Americans’ and ‘Europeans’. In this matter, again, ‘European’ stands for the British of the mother country.⁷⁷ In addition to linking ‘European’ with ‘British’ or ‘English’, Otis uses Europeanness in a broader cultural context:

[...]for, those who have been born and bred in the wilds of America, and have had little opportunity to learn the European urbanity and manners, unless they could take them from a few strollers, straggling pedlars & transports, which were the principal school-masters of politeness the letter writer conversed with,

⁷² See Appendix 1.

⁷³ COLLEY 2009, 132–135.

⁷⁴ ELLIOTT 2006, 236–237.

⁷⁵ Otis 1765c, 22.

⁷⁶ Otis 1765c, 22–23. Otis also talks about “American exports to Great-Britain” in Otis 1764, 88.

⁷⁷ Otis 1765b, 11, 27; Otis 1765c, 26–29.

before the late war, since the opening of which, many fine gentlemen have visited the colonies.⁷⁸

‘Europe’ may mean both Great Britain and the whole of Europe depending on the context. To exclude Great Britain from the rest of the states in Europe, Otis uses the phrase “the continent of Europe”. Who are the American people for Otis, then? His mission to promote “American representation” in the British Parliament tells us that they are the colonists who are subjects of the British monarch.⁷⁹

It is humbly conceived, that the British colonists (except only the conquered, if any) are, by Magna Charta, as well entitled to have a voice in their taxes, as the subjects within the realm.⁸⁰

Above Otis both confirms the Britishness of the colonists and their bond to the centuries old English law. He also excludes the colonists from the ‘realm’, therefore defining its borders to confine only the mother country. However, Otis disputes Soame Jenyns’s argument that “Great Britain is a distinct country from the British colonies” by asking, in which way is Great Britain as a country distinct from its colonies. In Otis’s view, the colonies are British and part of the same country as the realm on the European side of the Atlantic. Phrases ‘British American’, ‘British colonists’ and ‘American colonists’ are in frequent use.⁸¹

2.1.3. The Empire and Its Two Poles

Otis’s dictionary includes three main groups of people: the British Empire that consists of the mother country and the colonies. Every subject of the Empire is ‘British’. The mother country is also called ‘realm’ and its inhabitants are mainly English and perhaps Welsh and Scots. Their common name is ‘Briton’, which may as well be used to refer to the British colonists who are also called ‘American colonists’ or ‘Americans’. The mother country and the colonies may be labelled as ‘Europe’ and ‘America’, respectively, if they are considered as the two poles of the Empire. James Otis sees the Empire as one British nation that is divided only by the Atlantic Ocean. In his use of different national or ethnic names, he seems to separate the peoples of the mother

⁷⁸ Otis 1765b, 8.

⁷⁹ Otis 1764, 13, 21, 54; Otis 1765b, 35; Otis 1765c, 4, 18, 40.

⁸⁰ Otis 1764, 92.

⁸¹ Otis 1764, 41, 44, 85–86, 92; Otis 1765a, 17, 28; Otis 1765c, 12, 43.

country and the colonies only to distinguish them in the matters of geography and state's internal politics. Culturally Otis considers the Americans and their fellow British subjects in Great Britain equals and pursues also legal equality between them.

In the discourse of ethno-genesis, we consider James Otis here to be a spokesman for the British American colonists and we treat his rhetoric as an example of the colonial way of identifying different ethnic groups. He distinguishes the colonists from other groups with several different names. Although, for Otis, the colonists are as British as the English in the mother country, they are at the same time unquestionably Americans and British Americans. British America consists of the colonies that are of British origin, therefore excluding the French and Spanish colonies and the native Indians. Although Otis's sphere of influence was concentrated in Massachusetts, he uses expressions that identify all the colonies, not only Massachusetts or New England. However, he makes a distinction between different groups of colonies. In *The Rights*, he compares the support of war effort that the Northern Colonies and the Sugar Colonies had given for the Seven Years' War.⁸² Northern Colonies included the New England colonies, while the Sugar Colonies were the British dominated islands of the West Indies where the main field of business and trade was the production of sugar. Therefore, Otis draws borderlines between the British Empire and other states as well as between groups within the Empire. These different cases of 'us' and 'them' we will look in to in Chapter 3.

From now on, in the discourse of the mid-eighteenth-century British Empire, I decide to use as much as possible the same expressions as Otis while still avoiding any possible ambiguities that he may have given way to. The British colonists are Americans or British Americans, and their neighbours in North America I will call Indians, French colonists, Spanish colonists, etc. I will call all the subjects of the Empire British unless discussed in a more local context, in which case I use words like English, Scottish, Welsh or American. When I talk about the people living on the British Isles, I call them Britons – excluding the Irish. Europe covers both the continent of Europe and the British Isles. The entire state under the British monarch will be called Great Britain, the British Empire or simply the Empire; the island, where the state is lead from, I refer to as Britain.

82 Otis 1764, 87.

2.2. The Core of the Colonial Ethnie

Another prerequisite for an ethno-genesis is *the existence of an ethnic core*. For that there has to be a group, whose members identify themselves as a distinct ethnie and are motivated to create a new independent or autonomous nation out of it. This group may be a political or an intellectual elite, perhaps small, but nevertheless a loud one.⁸³ Who were these loud members of the core in Otis's group, or was Otis maybe the loudest one, or even the only loud one among his peers? Perhaps in the early 1760's, even he was not included in the patriotic core that stood out from the rest of the colonists.

2.2.1. The Pens in America

*A vindication of the British colonies against the aspersions of the Halifax gentleman in his letter to a Rhode Island friend*⁸⁴ is the name of James Otis's first pamphlet of 1765. The name says, indeed, the essential about it. In the pamphlet, Otis defends the statements of Stephen Hopkins, the governor of the Rhode Island colony at the time. In the previous year, Hopkins had written a pamphlet of his own, *The Rights of Colonies Examined*, in which he defends the colonists' equal rights with their fellow subjects in Europe. Martin Howard in his text – published under the name *A Letter from a Gentleman at Halifax, to his Friend in Rhode-Island, Containing Remarks upon a Pamphlet, Entitled, the Rights of Colonies Examined* (hereinafter, *Halifax Letter*) – criticises Hopkins for mixing personal and political rights and privileges of British subjects. Howard sees that the old English common law is shared by all the subjects of the Empire, while the political scene is meant only for the elite residing in the mother country. For him, the political rights and privileges of a colony have been stated in its charters it had received from the king before its foundation. Parliamentary representation is only for those outside the charters' sphere.⁸⁵

From the early seventeenth century forward the British colonies that were founded in North America were based on the same principle as the trading companies operating around the world. For example, for the East India Company that operated in Asia, the king granted the colonists a charter, which was to be the constitution of the new colony. By this, the British monarch cut all the financial and military ties to the colonists – and vice versa. In practise, the colonists were let loose by their mother country. Stated by

⁸³ SMITH 2009, 18–19, 45.

⁸⁴ *The Halifax Gentleman*, that is.

⁸⁵ Otis 1765a, "Advertisement"; Howard 1765, 3–4, 8–13.

their charters, each colony was lead by an administration whose head was the colony's governor, whose power in the colony was very much comparable to that of the king's in the entire empire. Colonies also had their elected assemblies that passed laws and taxes, but their power compared to that of the governor was in many cases fairly questionable. The autonomy of the American colonies decreased through the years, however. It had to be traded for military protection from the mother country, because of the potential threat by the other European states colonising North America: France, Spain, and the Netherlands. This trade-off gave the British Parliament the right to regulate colonial trade in order to gain control of the statewide policy. The colonial governments still retained the privilege to impose their own taxes.⁸⁶

Another once governor, Thomas Pownall from Massachusetts, wrote in 1764 a pamphlet about the administration of the British colonies.⁸⁷ He was a supporter of a highly centralised imperial government. According to Pownall, commerce was the predominant force that shaped the distribution of power and interests between states. Therefore, commerce and trade should be also in the focus of state politics and administration. In practise, Pownall believed in free trade within the empire, although in the end, all policies must tend to the needs of the mother country and the central authority in London. Pownall revised and enlarged his pamphlet four times between 1765 and 1774 modifying his views and visions along with the events that took place in imperial politics regarding the American colonies.⁸⁸

In *The Rights*, James Otis comments on Pownall's thoughts that he presented in the first edition of *The Administration of the Colonies*. Otis disagrees with Pownall on preferring a centralised form of imperial government that possesses the legislative authority to tax and rule its colonies as it pleases without their representation in Parliament. Otis defends the original, charter-based idea of colonial administration from the point of view that the colonies have a full autonomy from the control and monitoring of the mother country. He even denies the existence of any external threat that would necessitate the presence of a standing British army in the colonies. While denying the help of and dependency on the mother country, Otis still praises its civil constitution as "the best in the world" and its monarch as "the best in the universe".⁸⁹

⁸⁶ LLOYD 2001, 8–11, 13, 22–23.

⁸⁷ Pownall 1764.

⁸⁸ GUTTRIDGE 1969, 31–34.

⁸⁹ Otis 1764, 72–74; Otis 1765c, 29, 31.

Too much had happened, though, since the early days of the North American colonisation for the strong charter-based autonomy to return into the colonies. Free space was getting sparse in the Eastern North-America because both the British and the French colonists of New France had spread their territories through the years. In addition, there were also the Indian nations occupying their old lands. Several wars from the late seventeenth to the mid eighteenth century between the British and the French in Europe as well as on the American soil further heightened the tensions between the neighbours. Therefore, according to Trevor LLOYD, Great Britain needed to get involved in the colonies' military and commercial affairs for its own good. From time to time, British trade ships in the Atlantic were in danger from the Spanish and the French actions, which forced Great Britain to protect its vessels and assets in the sea as well as on North American land where the colonies were also an important trade partner for Mother Britain.⁹⁰ Therefore, to me it seems that James Otis's views were dated and did not base on the reality of the contemporary world politics. Although the British American population had grown and the overall standard of living had become relatively high, the colonies still needed military assistance from, as well as tight economic relations with the mother country.⁹¹

It has been often suggested, that care should be taken in the administration of the plantations; lest, in some future time, these colonies should become independent of the mother country. But perhaps it may be proper on this occasion, nay, it is justice to say it, that if, by becoming independent is meant a revolt, nothing is further from their nature, their interest, their thoughts.[...]and nothing can eradicate from their hearts their natural, almost mechanical, affection to Great Britain, which they conceive under no other sense, nor call by any other name, than that of *home*.⁹²

Neither Otis nor Pownall doubted the colonists' loyalty to Great Britain, and James Otis also acknowledges this fact in *The Rights*.⁹³ So their difference of opinion was in politics, not in identity or allegiance. When considering the rights of the colonies, both Otis and Pownall also refer to the same man, Mr. Dummer, who defended the colonies

⁹⁰ LLOYD 2001, 26–27, 29–30, 34–44.

⁹¹ LLOYD 2001, 32–34.

⁹² Pownall 1764, 25. The word in italics is in its original format here and in all forthcoming citations.

⁹³ Otis 1764, 74–75.

in the early eighteenth century. Jeremiah Dummer (1681–1739) wrote the pamphlet *A Defence of the New-England Charters*, published in 1721, during the time when the British Parliament was considering of taking away the charters from the New England colonies.⁹⁴ Otis returns to Mr. Dummer's opinions in another matter, too. When criticising the law enforcement of the Navigation Acts in the colonies, Otis refers to Dummer's statements on the same issue over forty years earlier. Dummer called for the rights of an Englishman in possessing the privilege to be tried by one's own country and by the laws of the land, not by the state's admiralty, and therefore by only one man.⁹⁵ Therefore, there is a history and continuity in the quarrel, and James Otis comes out as a new link in the chain. The same applies to Thomas Pownall. Otis, Pownall and Dummer all vouch for the loyalty of the British American colonists but the writers demand changes in the treatment the colonists receive from their mother country.

2.2.2. Writers From the Old Country

The Enlightenment produced many notable thinkers in Great Britain and Europe, and Otis was influenced by them as much as any of his contemporaries of the mid-eighteenth-century British Empire. Therefore, James Otis naturally also quotes writers that are not from the American colonies or have never even lived there. Debating with the Halifax gentleman, Mr. Howard, Otis brings up William Blackstone's *Commentaries on the Laws of England* (hereinafter, *Commentaries*). In *The Halifax Gentleman*, the nature of a colonial charter is in focus: what rights does it dictate for the colonies and are there any additional rights independent of it? Otis tells us that Howard misunderstands and criticises Blackstone's writings, which are for Otis 'elegant' and 'excellent'. The dispute between Otis and Howard centers on defining the colonists' personal and political rights. Otis refers to "the laws of God and nature", to the common law, and to individual state constitutions.⁹⁶

Plantations, or colonies in distant countries, are either such where the lands are claimed by right of occupancy only, by finding them desart and uncultivated, and peopling them from the mother country; or where, when already cultivated, they have either gained by conquest, or ceded to us by treaties.[...]But there is a difference between these two species of colonies, with respect to the laws by which they are bound. For it is held, that if an uninhabited country be discovered

⁹⁴ Otis 1764, 75, 90–91; Pownall 1764, 24.

⁹⁵ Otis 1764, 83–84; Dummer 1721, 50–51.

⁹⁶ Otis 1765a, 10–12; Howard 1765, 7–10.

and planted by English subjects, all the English laws are immediately there in force.[...]But in conquered or ceded countries, that have already laws of their own, the king may indeed alter and change those laws; but, till he does actually change them, the antient laws of the country remain, unless such as are against the law of God, as in the case of an infidel country.[...]Our American plantations are principally of this latter sort, being obtained in the last century either by right of conquest and driving out the natives[...]or by treaties.⁹⁷

William Blackstone juxtaposes the American colonies with territories such as Ireland and the Isle of Man. In his view, the English common law does not automatically apply there, because they are dominions distinct from Great Britain.⁹⁸ He categorises America as a country that has been populated by the native Indians before the arrival of the English, and subsequently conquered and bought by the colonists. If Blackstone denies the validity of the common law in the charter colonies, why then does James Otis agree with this 'excellent' opinion? Is he, instead of Martin Howard, the one who has misunderstood Blackstone's analysis? Otis reveals more about *Commentaries* of Blackstone by quoting:

The analysis had given this general view of the objects of the laws of England. I. Rights of Person. II. Rights of Things. III. Private wrongs. IV. Public wrongs. Rights of persons are divided into these, I. of natural persons; 2. of bodies politic or corporate, i.e. artificial persons, or subordinate societies.⁹⁹

Otis continues by stating that Howard has confused the rights of artificial persons with the rights of natural persons, which has lead Martin Howard into a false conclusion that natural persons do not have any rights that are not explicitly defined by the colonial charter. Otis's interpretation of Blackstone's analysis is that with the term "common law" Blackstone refers to the politic and corporate rights of a colony, while Otis himself applies the concept on the level of natural persons. For Otis, every Englishman should have the same personal rights whether he lived in England or in America regardless of the colony's charter. The charter, on the other hand, defines the political rights and privileges of the colony. Therefore, the common law and the rights of an Englishman are the cornerstones of all personal justice, and the rights dictated by the charters are

⁹⁷ Blackstone 1765, 104–105.

⁹⁸ Blackstone 1765, 105.

⁹⁹ Otis 1765a, 10.

built on top of them.¹⁰⁰

James Otis draws Blackstone also into the discourse of legislation and parliamentary representation. In *Commentaries* William Blackstone discusses the problems of legislation and the distribution of power between several state institutions.¹⁰¹ The absolute and supreme power in Great Britain at the time was in the hands of the monarch, the House of Lords, and the House of Commons. The system of government followed a doctrine called *the balanced constitution*. Blackstone supported the separation of powers in a new way, which another contemporary political philosopher, Montesquieu, had previously presented. VILE even dares to say that Blackstone plagiarised Montesquieu's ideas and used them in his own texts. Regardless of the amount of imitation or plagiarism, Blackstone was the man who imported the new ideas from continental Europe to Great Britain and the colonies in America assimilating them into the British constitution and making them understandable to the public. Before this, the legislative, judicial, and executive powers had been divided and mixed between the three bodies, but Blackstone brought to the Empire the idea of assigning only one task for each three actors.¹⁰²

For Otis and the colonies, Blackstone's proposals meant that the House of Commons, which alone would have the legislative power in the Empire, would be the body the colonists needed to have an influence on in order to advance their rights. The House of Commons was also the only part of the government that was formed by the citizens through elections. But to gain all this, the colonies had to get their representation in Parliament. From Blackstone's views one can also conclude that as the colonists did not have representatives in Parliament, it did not have any authority over them, either.¹⁰³ This coincides with Otis's thoughts: Parliament can not legislate new taxes for the colonies if they were not represented in the process.

Already in *The Rights*¹⁰⁴, the Swiss philosopher Emmerich de Vattel is drawn to the conversation on state's legislative power over its colonies. He emphasises that "acts of

¹⁰⁰ Otis 1765a, 10–12.

¹⁰¹ Otis 1765a, 12.

¹⁰² VILE 1998, 110–114.

¹⁰³ JEZIERSKI 1971, 104–105.

¹⁰⁴ The following texts and quotes are from the appendix of *The Rights*. The appendix is a directive for the representatives of Boston at the General Assembly of Massachusetts Bay and James Otis is among the undersigneds of the document. In *The Rights*, Otis briefly mentions Vattel also in his own text in page 6. Otis 1764, 6.

parliament against natural equity are void. That acts against the fundamental principles of the British constitution are void" meaning that "the law of nature" is a constitution that exceeds the authority of parliamentary legislation. Here the law of nature can be understood as a similar concept as the common law referred to above. In his footnotes covering almost three pages altogether, Otis continues to quote Vattel's *The Law of Nations*. Although Vattel mostly discusses international or interstate law, certain aspects also concern relations between a mother country and its colonies.¹⁰⁵

In the European we also find a perfect knowledge of our constitution, laws, political interests, internal police, and state of trade and commerce thro' the globe.--Of all this in the Halifaxian, verily nothing.¹⁰⁶

The European means Thomas Whately, one of the two secretaries to the Treasury under George Grenville in 1765. Otis praises Whately, while again, at the same time insulting Martin Howard, the Halifax gentleman. This is baffling because of the fact that Thomas Whately was the man who primarily prepared the Stamp Act that Otis among others in the colonies had so strongly stood against. Moreover, on the pages of *Brief Remarks*, Otis seems to have gone astray from his own thoughts compared to those, both before and after this pamphlet, which he wrote in 1765. In *Brief Remarks* he defends the idea of virtual parliamentary representation, which until that had been one of the main concepts he had protested against, when pursuing the right for colonial representation. In addition to defending the idea, he even denies of ever having any other opinion on the matter.¹⁰⁷

Casting aside Otis's misstep in *Brief Remarks*, one can still agree that Otis and Whately were both close to the colonies and valued their importance also to the entire British Empire, although Whately's views on colonial taxation and legislation were quite the opposite from those presented in North America.¹⁰⁸ Whately writes:

The British Empire in Europe and in America is still the same Power: Its Subjects in both are still the same People; and all equally participate in the Adversity or Prosperity of the whole.¹⁰⁹

¹⁰⁵ Otis 1764, 109–112.

¹⁰⁶ Otis 1765b, 11.

¹⁰⁷ Otis 1765b, 27–28; 30; 34–36; CHRISTIE 1998, 301–302.

¹⁰⁸ CHRISTIE 1998, 302–305.

¹⁰⁹ Whately 1765, 39.

While seeing the European and the American side of the Atlantic as one kingdom, Whately also differentiates the continental Americans from the population of the Caribbean islands:

The Products of the Continent are the Earnings of Industry; those of the Islands are the Improvements of Wealth: To an *American* therefore a numerous Family is Substance; but *West Indian* must depend entirely upon his Capital: He cannot labour himself; he can acquire nothing but by Purchase and Expence.¹¹⁰

Whately sees that the culture of possession, earning and production is very different between the two colonial regions. One should also notice his use of the word 'American' when referring only to the continental colonists, which excludes the population of the West Indies.

2.2.3. The Awakeners of a Colonial Identity

Now we revisit the question we asked Otis's texts at the beginning of this chapter: can we find a core group of colonial identity builders that was formed by a number of prominent mid-eighteenth-century officials and writers. The theme about which Otis discusses with the men he refers to in his texts is, first and foremost, rights of the colonies and their representation in the British Parliament. Any thoughts spared to issues of identity are supplementary for the main theme. In general, views on identities seem to be similar on both sides of the political debate and on both sides of the Atlantic: the Empire, including the European side and the American colonies, is one nation and its citizens are all British. Although we can recognise rivaling political groups that are formed by Otis, Hopkins, Blackstone and Vattel on one side, and Howard with Pownall – and assumably Whately – on the other, none of them questions the loyalty of the colonists. Otis and Pownall write about a hypothetical independence of the American colonies but neither of them admits to believe in it and refuses to proceed any further with the idea.

So if there are not any influential figures to form the ethnic core, which would promote the idea of a new identity, have we reached a dead end in this matter? From Otis's pamphlets we can determine at least two different political stands but political views

¹¹⁰ Whately 1765, 6–7.

alone do not start an ethno-genesis – not according to Anthony D. SMITH. SMITH regards nations first and foremost as territorialised communities, meaning that a large number of their members feel attached to the homeland they have resided in for a long time, from which follows that their identity is also partly defined by it.¹¹¹ In this case, we cannot find help for our problem from this territorialisation because the members of the two political groups we find in Otis's writings are both territorially heterogeneous; the territorial borders do not match with the political. Nevertheless, we may still find proof of American territorialisation in other themes that Otis deals with.

2.3. Symbolic Cultivation: National Symbols, Heroes, and Enemies

SMITH states that features such as memories, symbols, values, myths and traditions are the building blocks of common ethnicity and a self-image, in some cases of a national identity. In order to give support to an ethno-genesis they need to be put in proper use. This is called *symbolic cultivation*. A group's common symbolic fund may include for example "memories of heroes and battles, traditions of marriage and burial, symbols of dress, emblems and language, myths of migration and liberation, and values of holiness and heroism."¹¹² Cultivating them means adapting local features or taking up new common ones. Cultivation is performed by elites, who possess the ability to reach a wider community and convey it the message in a proper way. For example, religious sacred texts are available only for few, which necessitates the existence of a clerical elite that interprets, writes, and broadcasts the provided information for the public.¹¹³

James Otis does his share of giving views on British history, which has produced its own symbolic fund, from where to pick up bits and pieces for an ethno-genesis. However, Great Britain did not need an ethno-genesis; they were already an empire. Naturally the British colonies are the issue here.

2.3.1. Laws of God, Nature and Several Williams

In *The Rights*, Otis begins his chapter on the political and civil rights of the British colonists by referring to Magna Carta and contradicting the conception that it would be the most important scripture describing ancient English laws. Instead he goes even further back and brings up the times before the Normans conquered and ruled Britain,

¹¹¹ SMITH 2009, 49.

¹¹² SMITH 2009, 48.

¹¹³ SMITH 2009, 48–49.

that is, before William the Conqueror, who took the English throne in 1066. He writes: "But liberty was better understood, and more fully enjoyed by our ancestors, before the coming in of the first Norman Tyrants."¹¹⁴

As previous chapters have revealed to us, law, legality and rights are cornerstones of James Otis's political views. I dare to say that they have also been cornerstones of the entire British state and society. Magna Carta has been recognised as the ancient foundation of the British constitution, but the scripture has also its roots in even older texts of law: the laws of King Edward the Confessor. At least that is the conception that has stayed with the rulers and commoners of England through centuries. In early modern texts, Edward the Confessor¹¹⁵ has also been referred to as the father of the common law.¹¹⁶ Otis among others uses the alleged ancient laws to shore up his stand. It seems that the older the law is assumed to be, the more it is believed to provide credibility to the readers. Many laws that Otis refers to are older than any of the British American colonies, which extends Otis's view of his home country beyond his own birth as well as that of the administrative territory in Northeastern America that he had been born in, and back to Medieval England. This is, of course, possible because of the centuries-old continuity of English and British law, which had given form also to the laws in colonial America.

Anthony D. SMITH writes that "nations, by definition, are repeatedly formed and re-formed, at least in part on the basis of the symbolic processes of ethno-genesis such as naming, boundary definition, myths of origin and symbolic cultivation."¹¹⁷ Otis talks about the laws of God and nature, which are typical words from a writer of the early modern European cultural sphere. He also brings up the laws of William III as the British constitution and as civil rights of all free born British subjects. In general, the Bill of Rights from 1689 is the basis of most of Otis's arguments in defending the cause of the colonists.¹¹⁸

One should not mix the terms "laws of nature" and "natural laws", which became distinctive concepts by the end of the Enlightenment. Defining "laws of nature" was from the late seventeenth to the early eighteenth century the most valuable goal for the

¹¹⁴ Otis 1764, 47.

¹¹⁵ Reigned 1042–1066.

¹¹⁶ GREENBERG 2010, 273–4.

¹¹⁷ SMITH 2009, 49.

¹¹⁸ Otis 1764, 49, 52–53, 55–56.

natural scientists. For example, men like Isaac Newton, Robert Boyle and John Locke were after the model of all knowledge by trying to find universal laws that would explain natural phenomena surrounding them. The hunt for the laws that would apply to weather and the motion of objects, for example, was executed through theory and empirical experiments, the results of which unfortunately only rarely coincided.¹¹⁹ Looking from the juridical side, the shift from seeing "natural laws" as something divine originating from God and nature to the idea that laws are set by people themselves was essential in the Enlightenment. Therefore, by the end of the eighteenth century the originally universal term "natural law" had divided into juridical "natural laws" and "the laws of nature" that concerned mathematics and natural philosophy, which in modern terms corresponds to natural sciences.¹²⁰ Therefore, from the sixteenth to the eighteenth century, the terms were used quite variably among the Enlightenment writers.

In *The Rights*, in 1764, James Otis states that the people of both the colonies and of Great Britain "Nature has placed[...] in a state of equality and perfect freedom, to act within the bounds of the laws of nature and reason, [...]"¹²¹ Here Otis explains his idea of "natural rights" that the colonists should have as citizens of the Empire. His rhetoric seems to imply that the colonists as any other people are born to obey only the laws of physics and human thought, or consciousness. All other laws are set by people and are therefore revisable by people, but they can also be disobeyed altogether. What can not be disobeyed, are 'reason', which is the part of physical world that originates from the inherited human behavior, and 'nature', which stands for the rest of it.

In SMITH's thought, the existence of common law is included in the field of symbolic cultivation that is necessary in forming a new nation. Laws are part of traditions that are formed and reformed in the process of time. Traditions of a fresh nation may be of local origin but may also be adopted from elsewhere.¹²² For Otis, laws of the American colonies are based on ancient and contemporary English laws, which he also proudly acknowledges and sees that they should continue to follow this tradition, in his words, within the bounds of laws of nature and reason.

2.3.2. Songs and Stories from the Past

¹¹⁹ DASTON 2008, 233–235.

¹²⁰ DASTON & STOLLEIS 2008, 9, 11–12.

¹²¹ Otis 1764, 42.

¹²² SMITH 2009, 48.

In addition to actual laws and traditions, national symbols also include legends and stories of fiction that have followed an ethnic group through generations. A fictional story often symbolises some event or period in history when it was created. By reminiscing an old well-known story the members of a group share an image of a time in common history that in many cases may precede their own birth.

Here and there in his texts, Otis drops names of old authors from England, for example Bernard Manderville and John Milton, and goes even back to the Roman times to find support for his words.¹²³ James Otis had an obvious literary interest in the early eighteenth-century Irish writer Jonathan Swift – especially in his style of writing.¹²⁴ In the middle of the Stamp Act Crisis in 1765 the Bostonian briefly refers to Swift and his works in both *The Halifax Gentleman* and *Brief Remarks* when challenging Martin Howard's views by using Swift's expressions to support his own arguments. For example "chewing the cud of politics"¹²⁵ is a reference to Swift's *A Tale of a Tub*¹²⁶, which was a seminal satire on abuse of religion, on modernisation and the difficulties of dealing with it in a changing and progressing world.¹²⁷ Naming Swift and his "proposal to the people of Ireland"¹²⁸ refers to another work of Swift: *A Modest Proposal*¹²⁹. This outrageous satire on economic and social issues criticises the English exploitation of Ireland as well as the gap between the rich and the poor in the time of the Irish famine in the 1720's. The narrator of the short pamphlet proposes that poor Irish families should sell their children to be processed into food for rich landlords. The idea was of course meant to be ironic, but nevertheless the text has shocked readers even to this day. The three brothers that are central characters in the 'Tub', Peter, Martin and Jack, symbolise three branches of Christianity: Roman Catholicism, Anglican Church and Calvinism with other dissenting puritan factions, respectively. The father of the brothers, God, had given each of them a coat to wear and also forbidden them to make any changes to them. However, the brothers act according to the religious practices they represent: Peter decorates his coat as colorfully as possible, Jack strips it off of all unnecessary accessory, and Martin keeps it as original as possible.¹³⁰ James Otis reforms the

123 Otis 1762, 24; Otis 1765b, 22; Otis 1765c, 31.

124 According to Floy GATES, the interest was very strong: see GATES 1932, 344–46.

125 Otis 1765b, 18.

126 Swift 1704, 38.

127 DAMROSCH 2013, 131–136. The motives and ideas behind Swift's text have been highly debated, however.

128 Otis 1765a, 15.

129 In full length: *A Modest Proposal for Preventing the Children of Poor People From Being a Burthen to Their Parents or Country, and for Making Them Beneficial to the Publick*. Swift 1729.

130 DAMROSCH 2013, 135–136, 416–20.

symbolism of the brothers to educate Martin Howard in *Brief Remarks* and in *The Halifax Gentleman*. Using Swift in *Brief Remarks* Otis spices up his personal attack and mocking frenzy against Mr. Howard who, in Otis's view, has very poor understanding of the British constitution and political organisation. In *The Halifax Gentleman*, the three brothers' coats act as symbols for equal human rights that God had given them in birth. Otis enlightens Mr. Howard that the English as well as the colonists are entitled to their coats, and the coats will not be taken away from them due to a state law or a colonial charter. As the last thing in the pamphlet, Otis even urges Howard to read through *A Tale of a Tub* in order to learn something new. With the grotesque dystopic message of *A Modest Proposal* Otis contrasts the oppressed Ireland of the story with the American colonies that he is fighting for.¹³¹

Another piece of British folklore that one can spot several times in *The Halifax Gentleman* and *Brief Remarks* is 'Lillibullero', or 'Lilliburlero' as it may also be spelt in other sources. Lillibullero, also known as "A New Song", was written by an English politician Thomas Wharton for the purpose of degrading Richard Talbot who was appointed as the governor of Ireland in 1687. The song is also closely associated to the Glorious Revolution because of its confrontational words concerning Catholicism and Protestantism, which were competing for the British throne in 1688–91 with James II and William of Orange as their respective champions.¹³²

Does he think his allegiance to his most sacred and gracious Majesty George the III is *natural*? Dares he now deny this as in the *junto* room heretofore, and affirm the same thing of the *Pretender*, only because he was the son of an *Italian*, and for any thing that can be now certainly proved to the contrary, might be lineally descended from Taffy the fiddler, and *chanter* of Lillibullero to a very beautiful Queen? Is the immortal distinction between "personal and political rights already forgotten," my dear *Martinus Scriblerus*?¹³³

Otis's questions for Howard hide an enormously wide context of political issues, to which we will return later more thoroughly. However, "Martinus Scriblerus" refers to a fictional character of a political satire but in addition, it can be treated as part of early eighteenth-century history of British literature. *The Memoirs of the Extraordinary Life*,

131 Otis 1765a, 11–18, 47–48; Otis 1765b, 17–19.

132 Otis 1765a, 14, 16, 21; Otis 1765b, 16, 40; COOPER 2009, 15–17.

133 Otis 1765b, 16.

Works, and Discoveries of Martinus Scriblerus is a collaborative work of a group of writers that has been called as the Scriblerus Club or the Scriblerians. Jonathan Swift was more or less the founder of the group in 1714 when he searched for likeminded company to form a scholarly club with. The satire of Martinus Scriblerus was published as late as in 1741 by another member of the Scriblerians, Alexander Pope, and it is a fictional memoir of an expected educated genius who turns out to be nothing but an average man in a modern world, where everybody thinks they can rise above ordinariness by acquiring trivial knowledge without true wisdom.¹³⁴ Assumably with all this in mind, Otis strikes at Martin Howard in *Brief Remarks* only with that one significant name underlining his opinion of Howard's ignorance.

With Swift's texts and other references of British literature and folklore James Otis moves his fight for colonial rights to the British Isles and several decades back in time. He picks up bits of English and Irish cultural history from the seventeenth and eighteenth centuries, and uses them to animate his arguments but does not really treat them as a part of colonial history itself. In a way, with the references Otis intends to show he knows his history, and at the same time assuming that the reader, Martin Howard, also does so and understands his message behind the rhetoric. With these references, if not recognising autonomous colonial history, Otis at least seems to connect the American colonists' cause closely to the Irish and their centuries long struggle as a part of the British Empire.

2.3.3. The Roman Eagle Is Dead, the British Lion Lives!¹³⁵

Could there be any reasonable connection between two cultures that are separated both geographically and temporally as much as Graeco-Roman Antiquity and eighteenth-century Great Britain, let alone colonial British America? At least the works of James Otis combine the two periods on several occasions. As one might guess, the connection is mostly allegorical for Otis and as we have come to learn, he forms comparisons:

I have ever pleased myself in thinking that Great-Britain, since the Revolution, might be justly compared to Greece, in its care and protection of its colonies I also imagined that the French and Spaniards followed the Roman example.¹³⁶

¹³⁴ Arbuthnot & Pope 1741; BRÜCKMANN 1997, 3–5; DAMROSCH 2013, 242–45.

¹³⁵ Otis 1765c, 31.

¹³⁶ Otis 1765a, 31.

The above is an answer to Martin Howard and his *Halifax Letter* from 1765, where Howard actually compares the British and Roman empires in their treatment of colonial rights. In Howard's view, according to Otis, Great Britain should follow the Roman way, in which colonists do not share equal civil rights with the citizens of the mother city or nation. Otis on the other hand, defends the rights of all citizens of the Empire based on the common law.¹³⁷ Already in *The Rights*, Otis describes the colonial rights of the ancient Greeks by reciting Thucydides¹³⁸:

[...]those colonies enjoyed the same rights of liberty with the other cities, but they owed a *reverence* to the city whence they derived their origin, and were obliged to render her respect and certain expressions of honour, *so long as the colony was well treated*.¹³⁹

For Otis, the Greek represented the fair and good part of Antiquity – as did the Roman Republic before the imperial period. Julius Caesar is one of the recurring villains in Otis's history. With two other generals of the Roman Republic, Caesar is depicted as a threat to the state:

The danger of a standing army in remote provinces is much greater to the metropolis, than at home. Rome found the truth of this assertion, in her Sylla's, her Pompey's and Caesars; but found it too late: Eighteen hundred years have rolled away since her ruin.¹⁴⁰

That is, eighteen hundred years had passed since the death of the Republic and the birth of the Roman Empire. Again in *The Rights*, where Otis compares the Roman and British forms of government, Caesar is referred to as "the assassin of his country" or "the destroyer of the Roman glory and grandeur". According to Otis, the British constitution and state are almost perfect, which is the level the Romans did not quite achieve.¹⁴¹

In the same way as pieces from British history Otis uses short single-word references to both fictitious and actual persons from Antiquity. Names like Hercules, Cicero, Euclid

¹³⁷ Otis 1765a, 31.

¹³⁸ Thucydides (c.460–c.395 BC) was an Athenian historian who has written e.g. the history of the Peloponnesian War.

¹³⁹ Otis 1764, 39.

¹⁴⁰ Otis 1764, 78.

¹⁴¹ Otis 1764, 21, 98.

and Plato's Phaedrus are being used in colouring the message.¹⁴² He draws a straight line between the ancient Roman Empire and the Holy Roman Empire, which in the eighteenth century continued to follow the path the Romans had laid for it. Otis's disgust towards absolutist empires and kingdoms shows clearly as he talks about a "real modern farce, an election of a king of the Romans; which serves as a contrast to the grandeur of the antient republics, and shews the littleness of the modern German and some other Gothic constitutions in their present degenerate state"¹⁴³ condemning many of the eighteenth-century European monarchies to a lower caste of states, in which Great Britain is not included.

2.4. Who Are We?

Anthony D. SMITH's ethno-symbolic approach treats myths, symbols, memories and values as much a part of a group's social reality as any material factors like visual national monuments, flags, anthems, and ceremonies. They are 'mythomoteurs' that together define an ethnîe, which in suitable circumstances may evolve to a national level. SMITH's ethno-symbolism has been influenced by nationalism researchers like John ARMSTRONG and John HUTCHINSON. In addition to mythomoteurs, ARMSTRONG, who again had absorbed ideas from social anthropologist Fredrik BARTH, offered SMITH the concepts of *myth-symbol complex* and *longue durée*. The key idea is that ethnic identities are persistent and do not change very easily. Although the members of a group may have varying non-stereotypical views of themselves and non-members, the perceptions and attitudes of the collective often prevail. The *longue durée* views the roles of ethnic groups, nations and nationalism in a broader historical context.¹⁴⁴ In James Otis's pamphlets, the set of historical references date from Classical antiquity all the way to the Enlightenment providing us possible tools to form a conception of his view of history, and maybe also that of his fellow colonists.

What have we gathered so far on James Otis's possible contribution to colonial ethno-genesis in British America? First in this chapter, we have studied how Otis uses names of places and groups of people. Secondly, we have been looking for clues of a colonial ethnic core that Otis may reveal to us through his texts and thirdly, in the context of symbolic cultivation our task has been to explore possible laws, fictitious tales and other

¹⁴² Otis 1765b, 12, 29, 39. Otis 1765c, 5.

¹⁴³ Otis 1764, 8.

¹⁴⁴ SMITH 2009, 23–25.

significant features from history that would be suitable symbols for a group of mid-eighteenth-century British American colonists. Results have varied.

Otis does not really reveal to us any core group of colonists that would act as a patriotic front for an ethno-genesis. His team of 'we' is spread around the British Empire and can not be collected into one territory. He has political teammates as well as opponents on both sides of the Atlantic, but nowhere in the texts can one find a crack in his or anyone else's loyalty to Great Britain. The only dividing factor between the colonists and the British in Europe is the inequality in parliamentary representation. Depending on circumstances names strengthen both differences and cohesion. Looking through Otis's eyes the British Empire is both united but also divided. The Empire is one big family that interacts as one front with the outside world, but within it there are many fractions that in some situations compete. The smallest groups that are talked about in the pamphlets, are individual colonies and Massachusetts Bay is the most essential one. However, nowhere does Otis suggest that the citizens of Massachusetts Bay would be ethnically any different than the people living in its neighbouring colonies. An implication of a difference can be seen when he compares the colonies in the West Indies with the ones on the American continent, although the difference would be in their economies, not in ethnicity.

We are not looking for only ethnic segregation, though. Differences in the ways of living and the ways of livelihood are as important in this case. Whatever reason creates distinction between groups may have a positive influence on ethno-genesis. This is what SMITH and ethno-symbolists refer to as boundary delineation, which in many cases manifests itself as a consequence of differentiation due to any small attribute.¹⁴⁵ The sugar plantations of the West Indian colonies may also be a perfect symbol for them. If the sugar colony image was maintained – and cultivated – for generations, it would eventually be part of their ethnic heritage. Otis extracts images from history to make his text more vivid and to shore up the message. The images are not from America but Europe. The writer anchors the colonial past to its origins in the mother country. The cultural references reach even the Graeco-Roman Antiquity suggesting that an educated writer masters basic knowledge of classicism and knows how to use it.

J.H. ELLIOTT emphasises the unitive effects of the rising newspaper culture and the

¹⁴⁵ SMITH 2009, 46.

improvements in the postal services in the colonies. The number of colonial newspapers and periodicals increased through the eighteenth century and along with it, the culture of reading and discussing about the news in public houses and cafés. The existence of several local newspapers on the American continent created and reinforced some sense of regional identity among the colonists.¹⁴⁶

A researcher of nationalism who also vouches for the rise of print media, and written languages in general, is Benedict ANDERSON. Writing, printing and distributing thoughts, reports, news and ideas in a common language creates a shared field for communication between people who otherwise may not have any contact with each other. Written and distributed texts make the world smaller and people aware of each other's existence and thoughts. ANDERSON emphasises the importance of the connection between printing presses and newspapers in the eighteenth-century North-American colonies. The people who started printing houses, founded also a newspaper, of which they themselves were the editors. Newspapers earned them extra income for the business. To gain new readership these editor-printers were also in co-operation with local postmasters and occasionally they, themselves, acted as the postmasters. This practice created an explosion of new newspapers in the colonies, and according to ANDERSON, was a major factor in bringing the thirteen British colonies together as one imagined community of English speaking - and English reading - people that were ready for the rise of American nationalism. Papers offered the colonists news from Europe but also reports and bits that concerned common colonial matters, which provided them with the idea of 'us' and 'we' in contrast to 'them' and 'they' on the other side of the Atlantic.¹⁴⁷

By reading James Otis's pamphlets we cannot see the bigger picture that ANDERSON and ELLIOTT write about. We can only assume the texts reached some part of the Northern Colonies, because on the pages Otis interacts with Martin Howard who published his pamphlets in Newport, Rhode Island, while Otis's texts originated from Boston.¹⁴⁸ However, based on what we know about the developments in the print media business of the time, we can assume James Otis's potential to spread his message around the colonies was very good.

¹⁴⁶ ELLIOTT 2006, 330–331.

¹⁴⁷ ANDERSON 2007, 85–86, 105–106, 108–110.

¹⁴⁸ The publishing locations are mentioned in Howard's and Otis's pamphlets.

3. WHERE ARE THE BORDERS AND WHO IS ON WHICH SIDE?

By social anthropologist Thomas Hylland ERIKSEN's definition the primary feature of ethnicity is the concept of 'us' and 'them'. This pair is formed by continuous effort of making distinction between the people inside and the people outside of a certain cultural border. Ethnicity is a social relation between groups that acknowledge their distinctiveness compared to the other when interacting. Without interaction the groups would not be aware of each other's cultural features and hence neither would seek distinction. Neighbouring groups may even be culturally very much alike when they have not been in any contact with each other.¹⁴⁹

SMITH talks about a "[...]collective self-definition through boundary delineation that is so often a consequence of differentiation and exclusion of, if not suspicion and antagonism towards, neighbours and others in general."¹⁵⁰ Benedict ANDERSON teaches us about the uniting power of a common written language but SMITH states that language has a crucial role also in dividing people into separate groups that find it difficult to communicate with each other. Distinctive languages very easily create a social wall between peoples. In addition, conflicts and actual wars create 'otherness' and alienate communities from each other, sometimes for decades or centuries.¹⁵¹ World history knows many pairs of communities that have rivaled in conflicts for several successive generations, for example the Greeks and the Persians in the Archaic Mediterranean, England and France in the Middle Ages or France and Germany in the nineteenth and twentieth centuries. In these examples, the nations have also spoken distinctive languages.

Conflicts bring together people that are on the same side of a border, and if the border stays in the same place through decades, it also brings together generations. According to ethno-symbolism, the sense of being part of a community of different generations includes one into a new extended family creating a *myth of common ancestry*. The members of that family do not need to be of the same ethnic origin but there has to be some shared belief in a common past and in a collective fate that the community continuously fulfills together. In addition to wars, and their heroes and foes, shared

¹⁴⁹ ERIKSEN 2010, 23.

¹⁵⁰ SMITH 2009, 46.

¹⁵¹ SMITH 2009, 46–47.

religion produces historic figures and legends that are remembered as a community. On the other hand, conflicting religions divide people and peoples.¹⁵²

3.1. Boundary Delineation: Free against Arbitrary, Savage, and Despotic

Cultural boundaries are continuously reforming through interaction between peoples. When reading James Otis's pamphlets, we can roughly divide their subjects into discourses that on the one hand concern present events, and on the other hand the past. In James Otis's interests, colonial politics and competition for power between large states, like Great Britain, France and Spain, were the issues that clearly ruled the contemporary discourses. My next task is to look into those discourses and to find out, what kind of cultural boundaries Otis possibly creates with his opinions. Otis was a man of law but as much as for so many other writers of his time, religion is a more or less apparent issue in his texts. Religion in both of its culturally influencing functions – uniting and dividing – is the subject for the following chapter.

3.1.1. The Uniting and Dividing Christianity

The founding reason for the mere existence of the New England colonies was the internal struggle of Christianity in Great Britain: the strife between Catholicism and Protestantism. First unhappy groups of British Puritan Protestants set sail from England and Holland and left for America to get away from king James I and the Church of England, which in their views, were too lenient toward Catholicism. In 1620 a ship full of pilgrims founded the Plymouth Colony at Massachusetts Bay, followed by the Massachusetts Bay Colony set up by another Protestant enterprise from England. The latter received its charter in 1629. Later on the original group that had escaped the Church of England due to its strong Puritan population and leadership, fragmented into new Protestant factions and colonies, one of them being Rhode Island, for example. Neither were the English Catholics happy with the Church of England. Some Catholic groups headed to America; e.g. the colony of Maryland was founded for Roman Catholics by Lord Baltimore, a Roman Catholic himself. Although Maryland later received also Protestant inhabitants, its original idea of Catholic sanctuary survived for some time. For a while, the mid-seventeenth-century North-East America offered the British religious refugees their haven to practise the ways of their will.¹⁵³

¹⁵² SMITH 2009, 47–48.

¹⁵³ LLOYD 2001, 8–10.

While the Congregational churches found their home in the Northern Colonies, the Southern Colonies were founded more or less on non-religious grounds and continued to follow the Anglican creed of the Church of England, which the colonists had no reason to abandon. However, the Middle Colonies in between had a more colorful history. Throughout the seventeenth century the territories between Virginia and New England received new religious immigrants from the British Isles as well as from continental Europe. For example French Huguenots, German Lutherans, and Dutch Mennonites settled in Pennsylvania, which was initially founded by English Quakers. In addition to Christians, some Jewish communities found their way to the new world.¹⁵⁴

As we have previously established, borders create and mold ethnicity and ethnic identities. In the beginning of the colonisation period, differences between Protestantism and Catholicism, as well as between several American Protestant creeds created borders inside the Christian world itself. The other way Christianity may be part of building boundaries is by being on one of the two differing groups. Since the dawn of Christendom there has also always been the Other behind the border. The first of them were the Romans while in the mid-eighteenth century there were Others behind borders around the world. From the colonial point of view the nearest strangers were the Indians living west from them on the North American continent.

In 1823, William Tudor published a biography of James Otis. Like Otis, Tudor was a Bostonian but he never had the chance to meet the man himself being separated by two generations. Hence Tudor wrote and compiled a collection of texts about and by Otis after he had already passed away. James Otis's family were among the first colonists in Massachusetts Bay, hence they had resided in the same area for generations. In a long line of Otises, James Jr. was one of the fourth generation that had been born on the American soil. His father and grandfather had both been Judges of Probate and Colonels of the Militia in addition to holding other posts in politics and law. Tudor does not reveal any indications of specifically religious upbringing in Otis's youth, although he was prepared for college under a clergyman of his parish. In college and later in his professional life, Otis did not seem to be especially pious but a hard-working, self-contained student as well as witty and humorous when amongst people. He enjoyed poetry and admired especially Greek poets like Homer.¹⁵⁵

¹⁵⁴ ELLIOTT 2006, 208–215.

¹⁵⁵ Tudor 1823, 5–20.

Nonetheless, James Otis's texts are filled with mentions of Christianity. In the same way as different references to British culture and history, he has also planted many biblical names and events in his texts. Otis finds filling for his content from the Old Testament as he argues with Mr. Howard on the features of monarchy and supreme power in general.¹⁵⁶ He contrasts three time periods and three environments when confronting Robert Filmer's comments on the ancient Jews sacrificing children for the "idols of Canaan"¹⁵⁷:

Upon such principles Pharaoh was a pious virtuous Prince. And the drowning the infants in the Nile, was as justifiable a piece of preventive policy, as seizing the ships of the French without a declaration of war. The Philistine rulers, too acted very commendably in depriving the Hebrews of the use of iron, it being very certain that any the most polite people, without the free use of this invaluable metal, would in one century return to the savage state of the Indians.¹⁵⁸

Again he colorises the message with single words and names from Christianity, such as 'Pagan', 'Hosanna', 'Te Deum' and 'Nimrod'¹⁵⁹, and also with lengthier allegories – like the passage above – which he assumes the reader is able to understand. God is with Otis constantly. In Chapter 2., we already discussed how the writers of the early Enlightenment linked together God and nature in terms of juridical laws and the laws of physics. Otis states that "Adam was the first monarch of this earth"¹⁶⁰ and all later monarchs are in some way his followers. The statement is part of the discourse on distributing absolute power and Otis uses it to remind his opponents that all power comes initially from God and instead of giving it for one person only, it can also be divided between a number of people in many different ways.¹⁶¹ "Laws of God" still seem to haunt Otis, or at least his pamphlets. Laws of God and nature are frequently included in the list of arguments that he uses to validate his opinions on the rights of the American colonists, other arguments being the common law, colonial charters and the

¹⁵⁶ Otis 1765a, 11–14.

¹⁵⁷ Otis 1765a, 14; Raamattu 1992, Ps. 106:38. The Bible used here as a source is a modern Finnish translation but the core message of the passage James Otis refers to has remained the same.

¹⁵⁸ Otis 1765a, 14.

¹⁵⁹ Otis 1764, 16; Otis 1765b, 4; Otis 1765c, 4, 19. While discussing about tyrants, Otis mentions Nimrod who, according to the Bible, was the first ruler of the world. Raamattu 1992, 1. Moos. 10:6–10.

¹⁶⁰ Otis 1765a, 13.

¹⁶¹ Otis 1765a, 12–14, 38–39, 45; Otis 1765b, 20.

constitution of Great Britain.¹⁶²

In his own pamphlet, Martin Howard mentions "English religion", which James Otis takes up in *The Halifax Gentleman*. Otis then questions its definition: does English religion differ from Scottish, Irish or colonial religion? He continues by asking Mr. Howard if possibly several different creeds of Protestantism are tolerated in the Empire as the laws¹⁶³ set after the Glorious Revolution of 1688 would suggest. Otis is after freedom of religion but apparently concerning only Protestant communities. Catholicism seems to be excluded from the problem. In *The Rights*, Otis also connects issues of taxation to the relationship between the Church of England and the Puritans in America. In his opinion, the established national church should not be allowed to collect taxes from colonial parishes that have seceded from it. The discourses that Otis's texts are involved in, do not set Christianity against other religions; the confrontation can be seen only between different Christian churches and creeds. Although he may make a passing remark about an East Indian mogul being a pagan, he says it as an attribute of the man in a characterising way.¹⁶⁴ On the other hand, ethnicity is essentially about describing the Other and does not necessarily need to be valued either as positive or negative, only seemingly different.¹⁶⁵ In *Brief Remarks* Otis lists a group of people and mentions in passing "a few renegado Christians & Catholics", which in a way suggests that he does not regard Catholics as real Christians.¹⁶⁶ Apparently for him, Protestants are Christians, and Catholics are only 'papists', which is the word he uses frequently.

Christopher CHAPP has studied religious rhetoric in American politics from the colonial period until today. Concerning politics of New England CHAPP underlines the traditional bond between politics and God. From the arrival of the first Pilgrim settlers in 1620, politics in New England colonies have been intertwined with religion. For the English Puritans, America was the new Israel and they were God's chosen people. This idea survived in New England through generations, and because of the Great Awakening in the eighteenth century, it in some extent also spread to other British American colonies. Therefore, the pact the Puritans had made with God before landing in Massachusetts Bay, had – and still has – to be respected and reminded in the political

¹⁶² Otis 1762, 52; Otis 1765a, 9, 11.

¹⁶³ E.g. the Toleration Act of 1689. ELLIOTT 2006, 213.

¹⁶⁴ Otis 1764, 64–65; Otis 1765a, 33; Otis 1765c, 19.

¹⁶⁵ ERIKSEN 2010, 16.

¹⁶⁶ Otis 1765b, 5.

arena.¹⁶⁷ Consequently, it is natural that James Otis continued this tradition in his political life, even though privately he may not have been very religious.

The First Great Awakening of the 1730's and 1740's influenced the religious environment of the entire Protestant British America by spreading mainly Calvinist evangelical revivalism. The movement strongly guided the colonists toward individual religious conversion and experience, while at the same time weakening the authority of the churches. The religious immigration that had begun in the 1620's by separate colonies with distinct beliefs searching their place in an undiscovered country, was now at a point where a wide community of colonists could share some common spiritual view, which also in suitable circumstances may help to develop a common identity.¹⁶⁸

According to SMITH, religion that has been part of a community for generations enforces the myth of common ancestry, which of course is also one of the attributes that strengthens ethno-genesis. Religion preserves ancient traditions and commemorates important historical figures, thereby creating the feeling of a historical 'us' for the present-day community that shares the religion with the past generations.¹⁶⁹ Protestantism and Catholicism confronted each other within the British Empire but the confrontation was even more apparent between the Empire and its neighbours. Other two powerful states of the mid-eighteenth century, Spain and France, were both Catholic. For the Protestant Britain this was one more reason to see its neighbouring peoples as different and foreign – as the Other.

3.1.2. Neighbours from Hell

A great maritime empire like Great Britain had naturally also a great number of neighbours. The mid-eighteenth-century British Empire governed territories from North America to East India and the tendency of acquiring new land seemed to be growing. In the American colonies, the Seven Years' War ended in 1763 starting an era of peace for the next decade.¹⁷⁰ Britain had to get along mostly with the same neighbours on both sides of the Atlantic. In addition to the French and the Spanish, the British colonists lived next to several Indian peoples. French, Spanish and Indians are the three groups that mostly come up also in James Otis's texts.

¹⁶⁷ CHAPP 2012, 18–21.

¹⁶⁸ ELLIOTT 2006, 290–291.

¹⁶⁹ SMITH 2009, 47–48.

¹⁷⁰ ELLIOTT 2006, 292.

In the pamphlets, France is depicted as despotic and as a country that once had an opportunity to be a great nation, but has lost the chance because of the actions of its Catholic church. France and Catholicism are frequently associated with each other. In fact, Catholicism is rarely addressed alone.¹⁷¹ France is literally demonized:

The King of Spain has been prevailed upon to break his Neutrality, to forsake his alliance with Great Britain, to turn a deaf Ear to the Interest and Cries of his own Subjects, and to attach himself to the Party of France and of Hell. But Heaven still smiles upon his Majesty's Arms.¹⁷²

In 1762, the Seven Years' War was raging in both America and Europe. The British had already defeated the French at sea in the European theatre, while the Spanish had not decided to join the war until that same year.¹⁷³ Otis's *Vindication* was written and published during the war and above Otis is, therefore, referring to two enemy states. His opinion of them clearly percolates through the text. Continuing on discussing the war, Otis praises the victories over the French and the Spanish by the German Prince Ferdinand of Brunswick in Europe and the British forces in Havana.¹⁷⁴ In 1758, Great Britain had signed a military alliance with Prussia against the French aggression, and after initial difficulties, the Anglo-German army gained important victories through the rest of the war under Prince Ferdinand of Brunswick. Later in 1762, the British rivaled successfully against the Spanish both in the West Indies and the Philippines as the Empire captured the Spanish ports of Havana and Manila.¹⁷⁵ Even after the war in 1764, James Otis puts France and Spain in the same category of countries stating that "the government of the Spanish and French settlements is in every respect despotic."¹⁷⁶

In addition to the Catholic French and Spanish, religion differentiates the British from several other peoples. For Otis, Turks and Jews are also infidels worth mentioning. Race is mentioned only a few times, when Otis needs to emphasize the otherness of a certain person or a group for his reader.¹⁷⁷ In *The Rights*, however, he makes a strong statement on race and human rights:

¹⁷¹ Otis 1762, 22, 36; Otis 1765b, 4; Otis 1765c, 18, 21.

¹⁷² Otis 1762, 8.

¹⁷³ BLACK 1994, 138.

¹⁷⁴ Otis 1762, 8.

¹⁷⁵ BLACK 1994, 136–137, 144.

¹⁷⁶ Otis 1764, 41.

¹⁷⁷ Otis 1765b, 5, 9; Otis 1765c, 19.

Does it follow that it is right to enslave a man because he is black? Will short curled hair, like wool, instead of Christian hair, as it is called by those whose hearts are as hard as the nether millstone, help the argument? Can any logical inference in favour of slavery, be drawn from a flat nose, a long or a short face? Nothing better can be said in favour of a trade, that is the most shocking violation of the law of nature, has a direct tendency to diminish the idea of the inestimable value of liberty, and makes every dealer in it a tyrant[...]¹⁷⁸

Otis speaks for equal rights among all races and condemns the slave trade from Africa to America. The passage also reveals that he sees Christianity as a potential faith for everybody regardless of one's hair type – or skin colour. Religion is the dividing issue for him, not race.

Otis mentions Canada and Canadians but who actually were they at that time when Canada as a state did not exist yet? At least in the war, they were on the opposite side of the line, fighting against the British troops.¹⁷⁹ The name 'Canada' originates from the year 1535 and the expedition of Jacques Cartier, the expedition that started the French North American colonisation. Cartier's first contact to the natives in Quebec were the Iroquois, whose word 'kanata' means 'village' or 'settlement', but was misinterpreted as the name of the entire Iroquois territory. Thereby, Cartier, with his poor Iroquois language skills, claimed the entire 'Canada' for France.¹⁸⁰ For James Otis over two centuries later, Canada still meant the land that was found by the French and was not inhabited by British colonists. However, by Canadians he must mean only the colonists of European descent because the native American peoples he calls Indians.¹⁸¹

Mostly James Otis describes American Indians only with one word: savage. He also reminds the reader that Indians are inhuman, and have been known to scalp colonists and cut their throats.¹⁸² The British were at war with different Indian peoples through the entire period that Otis wrote his pamphlets. In America, the Seven Years' War was followed by Pontiac's War (1763–6)¹⁸³, which was an Indian uprising at the borders of

¹⁷⁸ Otis 1764, 43–44.

¹⁷⁹ Otis 1765b, 4; Otis 1765c, 38.

¹⁸⁰ RIENDEAU 2007, 26–27.

¹⁸¹ Otis 1765a, 14; Otis 1765c, 11.

¹⁸² Otis 1764, 86; Otis 1765a, 14; Otis 1765c, 11, 38.

¹⁸³ Or Pontiac's Rebellion.

the Northern Colonies after the French had withdrawn from the region. The Seven Years' War had already proved the British press that Indians were capable warriors on both sides of the line. The newspapers passed on even a perception that the Indian culture and life concentrated around warfare and developing fighting skills. The stories depicted them as fierce, barbaric, enduring – and savage – in battle. The public opinion would thereby conclude that Indians were in every aspect superior to Europeans in fighting the war in the colonies.¹⁸⁴ These views are in line with the tone in which Otis writes about Indians. He was not a soldier and had not seen the war himself. Newspapers and personally told stories from the front were his best sources of information on battles against Indians. For Otis, Indian warriors were alien and belonged to the group of barbaric Others.

What about the domestic borders inside the Empire? There are "his majesty's ancient and very respectable kingdom of Ireland"¹⁸⁵, Scotland and Wales that, as parts of the British Isles, are integral members of mother Britain. James Otis also treats them as such when he discusses the matters of parliamentary representation. Characteristic or other differences between the English, the Scots, the Welsh, the Irish and the colonists are not on the table, although, according to Otis, some Scottish writers of the *Critical Review* have apparently been "ignorant and impudent".¹⁸⁶

Apparently the highest border that James Otis saw between his own fellow citizens and other peoples was religious, were it either inside the British Empire or between states. Catholicism appears in the pamphlets practically as bad as paganism, while Protestantism is the only acceptable path to follow. Another monstrosity was the despotic form of government that Otis despised most explicitly in France and Spain. In his opinion, the British constitution was the best in the world. Savage North American Indians were also very much different from the civilised British citizens because of their brutal ways on the fields of battle.

3.2. The Common and Differentiating Ancestry of Friends and Foes

So far we have looked for dividing ethnic borders from the world of the mid-eighteenth century, from the time of James Otis himself. The writer reveals his own views on

¹⁸⁴ BICKHAM 2006, 82–84.

¹⁸⁵ Otis 1765c, 3.

¹⁸⁶ Otis 1764, 93; Otis 1765b, 9; Otis 1765c, 28, 40.

differences between contemporary peoples and nations, but by referring to events and people in British history, he also makes comparisons between the historic 'us' and 'them'. Anthony D. SMITH tells us that national identities are moulded by conflicts, revolutions and catastrophes. Afterwards they are remembered and interpreted by writers, common people and members of different elite groups – each in their own way. Heroes and their counterparts, villains, are the main characters in the tales and documents that store these historic events to the national memory. For each national community, the historic 'we' is defined by common heroes and villains; the question of who are 'us' in contrast to 'them' is given a new answer after each conflict that has challenged the nations involved. “Golden ages” hold the best memories a nation keeps of itself.¹⁸⁷ Besides providing memorable heroes and villains, the past influences the present through texts written by distinguished philosophers and statesmen.

By the 1760's the oldest British American colonies had shared common history with mother Britain for over 150 years. During that time the Empire had gone through wars, revolutions and triumphs with its heroes and villains. In addition, even before the first colonies there was the centuries old history that the American born citizens shared with their European countrymen – at least in James Otis's view.

3.2.1. Conquerors of the Melting Pot

Great Britain has experienced a number of foreign conquests in the past two millenia. In the eighteenth century, British antiquarians recognised Britons, Saxons, Danes and Normans as ethnic groups of significant influence to the English past. For most, Britons were the original, 'authentic', inhabitants of England, who had to submit to the Roman power during the first centuries of the first millenium AD. After the Romans came the Gothic Saxons who blended in with the locals forming a people whose name has survived in the English vocabulary ever since: the Anglo-Saxons. In the eighteenth-century historical discourse, the Britons and the Anglo-Saxons were mostly considered as the original and true Englishmen; the Romans, the Danes and the Normans were seen as the conquerors and enemies whose contribution to the English identity and law had been only temporal or nominal at most. All this was of course debatable, and there were also those who considered the Norman period a rightful addition to the English ancestry, national history, and legal tradition.¹⁸⁸

¹⁸⁷ SMITH 2009, 33–36.

¹⁸⁸ KIDD 1999, 75–79, 82.

James Otis was not one of them. In *The Rights*, he refers to Normans as tyrants, while appreciating the ways before their time:

But liberty was better understood, and more fully enjoyed by our ancestors, before the coming in of the first Norman Tyrants, than ever after, till it was found necessary, for the salvation of the kingdom, to combat the arbitrary and wicked proceedings of the Stuarts.¹⁸⁹

By ancestors Otis means the Anglo-Saxons – or simply Saxons as Mr. Howard had called them based on *The Halifax Gentleman*.¹⁹⁰ According to Colin KIDD, Gothicism, which in Great Britain and America meant the admiration of Saxon heritage and libertarianism, was in the eighteenth century an idea that was common for the entire British America in an unprecedented way. Gothicism was an integral part of the Anglicisation process, which was Britain's attempt to homogenise the Empire in to a single English model. It worked in the American colonies and Anglicisation unified the outlook of the thirteen colonies. Therefore, at the same time, Anglicisation meant Americanisation, which in KIDD's view was also one of the major contributors for the American Revolution in the 1770's. Americans became "as English as" the English themselves – and maybe even more so. They demanded equal rights for all Englishmen and had to fight for them in the end.¹⁹¹

Otis also talks about the 'Gothic' and 'Goths'. He parallels Germans with Goths by stating that "the modern German and some other Gothic constitutions" are in a degenerate state. However, in *The Rights*, Otis also refers to "Goths and Vandals" in a military context.¹⁹² *The Rights* was written during the time, when the British Parliament was about to station regular troops in the North American colonies and finance them by taxing the colonists. Otis reminds the reader about history and about what happened to the Roman Empire with forces stationed in faraway provinces:

It may be worth noting here, that few, if any instances can be given, where colonies have been disposed to forsake or disobey a tender mother: But history is

¹⁸⁹ Otis 1764, 47.

¹⁹⁰ Otis 1765a, 29.

¹⁹¹ KIDD 1999, 261–264.

¹⁹² Otis 1764, 8, 78.

full of examples, that armies stationed as guards over provinces, have seized the prey for their general, and given him a crown at the expence of his master. Are all ambitious generals dead? Will no more rise up hereafter? The danger of a standing army in remote provinces is much greater to the metropolis, than at home.¹⁹³

In addition to provincial American local forces, the Seven Years' War occupied British regular troops shipped across the Atlantic from Europe. The upkeep of these men was left to the local population, but the costs were still enormous for the Crown. New acquisitions also needed more defence forces to be stationed in America.¹⁹⁴ Although Otis was not a great admirer of the Roman Empire, he uses it as an example from history to advice the contemporary British government not to repeat the same mistakes the Romans had done.

The history of James Otis's people clearly begins before the history of colonial British America. He recognises the medieval Anglo-Saxons as his ancestors and the Norman conquerors as their – as well as his – ancient enemies. As Anthony D. SMITH formulates it, the past generations, as part of his extended “family of families”, are connected to Otis through a belief in common origins and descent despite the fact that also Normans, among other representatives of the Other, had given their share into the ethnic mix that Otis had inherited from his family.¹⁹⁵

3.2.2. Children of the Stuarts

The first permanent English colony in North America, Jamestown was founded in Virginia in 1607. The colony received its charter from James I, the first Stuart king of Great Britain, and was named after him.¹⁹⁶ James Otis brings up several past monarchs – the Stuarts being in some sense his favorite examples. Queen Elizabeth I was the predecessor of James I, while Charles I – his son – succeeded him. All the three monarchs are mentioned in Otis's pamphlets.¹⁹⁷ The first hundred years of the British colonial history in America were also the history of the Stuart monarchs; the Jameses

¹⁹³ Otis 1764, 78.

¹⁹⁴ ELLIOTT 2006, 296–298.

¹⁹⁵ SMITH 2009, 47.

¹⁹⁶ ELLIOTT 2006, 7, 10.

¹⁹⁷ Otis 1764, 90; Otis 1765c, 17, 49.

and the Charleses have been seen as the bad kings, while the last of the Stuarts – Mary II, William III, and Queen Anne – have been demonstrated in a more positive light by Otis and his like-minded thinkers.

As we have learned earlier, Otis mentions “the arbitrary and wicked proceedings of the Stuarts”.¹⁹⁸ In *Considerations*, he calls the Stuarts infamous and insinuates them of having been somewhat incompetent as rulers both legally and morally. Otis refers to “the five mile act” that was passed by Charles II in 1665.¹⁹⁹ For Otis, it seems to be an example of the ludicrous laws that King Charles and his Parliament passed in order to strengthen the position of the King.²⁰⁰

Concerning the colonial representation in Parliament Otis brings back the issue of Ship Money that was raised last by King Charles I in the 1630’s.²⁰¹ In the 1620’s, Charles had gone through several strifes with Parliament and as a result, the King extended his power for the time being in the expense of the Houses. The only problem he faced in the next decade was the case of Ship Money; by his personal authority Charles raised revenues from English coastal towns in order to build a fleet of ships.²⁰² Ship Money was a tax, an old privilege of English kings dating back to the Middle Ages, when the measure was used frequently. Charles I revived the tax after several centuries causing resistance in the towns that were to be taxed most heavily. Otis compares the acts of Charles I with the imminent tyrannical actions of the British Parliament of the 1760’s; there he sees the return of the Ship Money system, which represents the worst kind of abuse of governmental power because the people – the Englishmen – are not represented in the act.

Whereas the late King James the second, by the assistance of divers evil councellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the protestant religion, and the laws and liberties of this kingdom.²⁰³

198 Otis 1764, 47.

199 Otis 1765c, 13.

200 MORRILL 2000, 65–66.

201 Otis 1764, 90.

202 MORRILL 2000, 33–34.

203 Otis 1764, 25.

Compared to Charles I – or his son Charles II with his five mile act – James II is even a bigger villain for Otis. After the statement above, Otis continues by giving us a twelve-point list of the injustices the king had performed during his reign. It includes, among others, wrongdoings against Protestants, hiring and protecting corrupt officials, and passing laws without the consent of Parliament. All these issues are offending to Otis because they threaten the rights and freedom of the people and the parliament that represents them.²⁰⁴ But finally, after James II, followed the better times:

The deliverance under God wrought by the prince of Orange, afterwards deservedly made King Wm. III. was a joyful an event to the colonies as to Great-Britain: in some of them, steps were taken in his favour as soon as in England.²⁰⁵

James II held the British crown until the Glorious Revolution in 1688. The Glorious Revolution was a coup by William of Orange, grandson of Charles I. William was invited to the country by the English political elite to challenge James II. The coup was quick and bloodless and ended with James II fleeing the country. King William III ruled together with his wife, Queen Mary II, the daughter of James II and the granddaughter of Charles I. The cousins earned their thrones by frightening the English people with a foreign threat; Louis XIV of France was a threat to William and to the entire Britain, which William made very clear. After leaving Britain, James II fled to France and sought support from the French king. Therefore, James II became friends with the enemy and, in the eyes of the British and James Otis, earned his status among the villains.²⁰⁶

For Otis, the Glorious Revolution meant the beginning of a golden age that followed a time of decline.²⁰⁷ In terms of ethno-symbolism, the remembrance of a past triumph and nostalgia strengthens the sentiment of a shared history between the people on “our side”; “our heroes” defended the homeland and kept the villains outside.²⁰⁸ The accession of William and Mary was seen as a victory for the English people and the

204 Otis 1764, 25–27.

205 Otis 1764, 48.

206 MORRILL 2000, 73–74.

207 Otis 1765a, 33, 39.

208 SMITH 2009, 35–36.

Protestant religion over the French and the Catholic invasion they would have brought along with them.

It is very clear that Otis did not separate the history of the American colonies from the long history of Great Britain and England. Otis made a difference between the 'original' inhabitants of Great Britain and the several conquering peoples that tried to destroy the homeland and its indigenous culture, although the Saxons were one of the conquerors before they blended in and became themselves as the original. Otis's heroes were the kings that strengthened Britain and its people, and defended them against foreign threats. The villains were the selfish ones who gained their power in expense of the people, or even worse, joined the enemy.

3.2.3. Influential Thinkers from History

As much as by contemporary ideas, ideologies, and trends, people are influenced also by those that have survived to this day from the past. In the context of eighteenth-century British politics, the main medium that conveyed past ideas to contemporary people, was written text. James Otis was born in 1725 and in the 1760's he refers to several sixteenth and seventeenth-century political writers and philosophers from Britain and continental Europe.

Previously as we discussed American writers of the mid-eighteenth century²⁰⁹, we talked about Jeremiah Dummer, who defended the rights of the colonists, like Otis, but forty years earlier. In the years of the American Revolution, Jeremiah Dummer was praised as one of the early patriots. However, he had not fought for any common American cause. He was born in Boston to a Puritan family and community. Although experiencing also strongly religious periods during his life, in the end, he was more than anything else involved in British commerce and politics. After leaving Boston at the age of twenty, Dummer received education in Holland and later on lived most of his life in England. He promoted a British plan to invade Canada and capture it to Great Britain. In addition, Dummer was appointed as the official agent of both Massachusetts and Connecticut in England. Therefore, in Sheldon COHEN's view, Jeremiah Dummer was not an American patriot.²¹⁰ But he seemed to be very similar to James Otis. He fought for the

209 See Chapter 2.2.1.

210 COHEN 1967, 397–421.

colonial charters, while at the same time also defended the Empire and promoted its prosperity. Being a Bostonian by birth and consequently having a Congregational background are naturally obvious similarities. If Jeremiah Dummer was not an American patriot, could Otis be such either, then? The ethno-symbolic approach would suggest that it is left to the American colonists to decide, because they are the ones who choose their own heroes from the past and add them to their great national story.

Without doubt, Jeremiah Dummer was on the same page as James Otis in his political views, at least when compared to several other gentlemen that Otis mentions in his texts. His philosophical foes include Sir Robert Filmer (1588–1653)²¹¹ and Thomas Hobbes (1588–1679)²¹², whose ideas object to Otis's in several parts. Otis draws out Hobbes's famous *Leviathan* (1651)²¹³ on the very first page of *The Halifax Gentleman*, in which he contests Martin Howard and his *Halifax Letter* pamphlet. In *Leviathan*, Hobbes tells us that every society needs a sovereign, who takes care of its subjects. The subjects' duty is to follow the sovereign's orders without question, which in Hobbes's view, is the way to keep the society civilised and keep it from regressing in to a state of war and hostile chaos, which is natural for people without guidance and control.²¹⁴ James Otis refers here to Mr. Howard's statement, which suggests that colonists are not entitled to political representation in the British Parliament, because their colonial charters restrict the rights only to apply in the colony itself.²¹⁵ Soame Jenyns receives the same *Leviathan* speech from Otis in *Considerations*.²¹⁶ Otis implies that both Howard and Jenyns see the colonies as mere subjects to Great Britain; the duty of the colonies is to obey the orders Parliament gives them; and to trust its judgement without doubt in the same way as do the individual citizens forming the great machine, "body politic", in *Leviathan*.²¹⁷

In his time, Robert Filmer was an uncompromising royalist during the English Civil War, and in the 1640's he was also sentenced to prison for his opinions by the parliamentarians. Filmer published his writings from 1647 until 1653 but probably his most known text, *Patriarcha*, written some time on the brink of the Civil War, was

211 SOMMERVILLE 1991, x–xi.

212 JAKONEN 2012, 203.

213 JAKONEN 2012, 214.

214 Otis 1765a, 1; JAKONEN 2012, 216.

215 See Chapter 2.2.1.

216 Otis 1765c, 7–8.

217 JAKONEN 2012, 216.

published only after his death, in 1680.²¹⁸

The turmoil of the 1680's resembled that of the Civil War era, when Great Britain witnessed the struggles with the King against Parliament, and the Catholics against the Anglicans.²¹⁹ Both are familiar topics from James Otis's works. For Otis, Robert Filmer represents absolutist monarchy and the theory that royal power is derived from the same authority that parents have over their children. According to the idea, the first parent and king on Earth would have been Adam, the first man, whom God had created. Otis counteracts strongly against the absolutist and divine monarchical rights, and for him, such talk is 'Filmerian'.²²⁰

On the other side of the political fence were Sir Edward Coke (1552–1634)²²¹ and John Locke (1632–1704)²²², whom Otis frequently refers to. They are part of the discourse on government's legislative power, common rights, liberty and the relation between a mother country and its colonies.²²³ Edward Coke was an English jurist and lawyer who can be considered as one of the major contributors in promoting the use of common law in the British legal system. He lived mainly during the Elizabethan era but had the greatest influence on the English constitution during the reigns of James I and Charles I; due to the Petition of Right (1628) king's liberties were cut and those of the subjects increased. James Otis was also the first lawyer in American courts of law to refer to Edward Coke's so called "Dr. Bonham's Case", in which Coke ruled that the common law outweighs any Act of Parliament if they are in conflict. Otis used Coke's ruling when arguing against the Writs of Assistance in 1761. It became to act as a precedent for many cases in American state courts in the following decades.²²⁴ Sir Edward's association for the common law can also be seen in Otis's pamphlets; in addition to *The Writs*, Coke is Otis's confederate later in the fight for the colonial parliamentary representation and the colonies' rights for trading their goods freely. Also in this fight, their weapon is the common law but with Magna Carta, from which the law originates.²²⁵

218 SOMMERVILLE 1991, xi, xxxii.

219 MORRILL 2000, 70–73.

220 Otis 1765a, 2, 13–15, 17, 21.

221 JAKONEN 2012, 219.

222 SAASTAMOINEN 2012, 242.

223 Otis 1764, 6, 22, 33–35, 38, 44–45, 55.

224 EDLIN 2008, 53–64, 83–84.

225 Otis 1764, 85, 89–90, 92–93; Otis 1765a, 18.

During the English Restoration period in the 1680's, John Locke was forced to leave England due to his radical political views. He could return to Britain only after the Glorious Revolution, when he also published his famous *Two Treatises of Government* (1689) although still anonymously.²²⁶ When challenging Robert Filmer, James Otis instructs his readers to open Locke's First Treatise on chapters II and VI, referring to the discussions on "paternal and regal power" and "Adam's title to sovereignty, by fatherhood".²²⁷

In his *Two Treatises of Government*, John Locke intentionally and publicly concentrates on contesting ideas that Robert Filmer had previously presented in *Patriarcha*. Otis also recognises and joins this ideological confrontation between Locke and Filmer in *The Halifax Gentleman*.²²⁸ Locke and Filmer are on the opposite sides on absolute monarchy; contrary to Filmer's view, Locke sees that all people are born free and by the law of nature share equal rights from birth. Royal authority and power is not inherited from Adam, but is given to the monarch, or the government in general, by the consent of the people.²²⁹ Otis's *Vindication* includes a three-page long citation from several chapters in Locke's two treatises. The citation is included as a footnote, but being the longest one in the select texts of Otis, it is among the most important ones.²³⁰ After the citation, Otis ends the footnote with his own views on John Locke:

1. He was not only one of the most wise, as well as most honest, but the most impartial man that ever lived. 2. He professedly wrote his discourses on Government, as he himself expresses, "To establish the throne of the great restorer king William, to make good his title in the consent of the people, which being the only one of all lawful governments, he had more fully and clearly, than any Prince in christendom and to justify to the world, the people of England whose love of liberty, their just and natural rights, with their resolution to preserve them, saved the nation when it was on the brink of slavery and ruin."²³¹

James Otis's respect for Mr. Locke is apparent – and also for King William III, as a sidenote. Otis bundles Locke in the same distinguished bunch with other likeminded

226 SHAPIRO 2003, x–xii.

227 Otis 1765a, 15; Locke 2003, 5.

228 Otis 1765a, 13; Locke 2003, 1.

229 Otis 1764, 33–35; Locke 2003, 9, 101, 109–110.

230 Otis 1762, 17–19.

231 Otis 1762, 20.

and 'sacred' British scholars John Selden (1584–1654) and Algernon Sidney (1623–1683).²³²

Those who expect to find any thing very satisfactory on this subject in particular, or with regard to the law of nature in general, in the writings of such authors as *Grotius* and *Pufendorf*, will find themselves much mistaken. It is their constant practise to establish the matter of right on the matter of *fact*[...] ²³³

Otis strengthens the above statement by quoting "the celebrated" Jean-Jacques Rousseau's (1712–1778)²³⁴ view about Hugo Grotius (1583–1645)²³⁵; he agrees to Rousseau's opinion that studying history and other writers' theories without providing any own views on the discourse, is pointless. The topic of the discussion is the natural rights of colonists, and for that, Otis quotes Pufendorf's and Grotius's earlier statements on differences in Greek and Roman colonial policies. Otis does not disagree with the men, but he is rather unimpressed by their work.²³⁶ Samuel von Pufendorf (1632–1694) was a jurist who contributed to the discourses on crime, natural and civic law, human nature, and individual rights. He and Grotius could be even considered as the founders of natural and international law. Hugo Grotius concentrated very much on international law and contributed to themes relating to justification and rights of war. Contrary to most theorists mentioned by Otis, Pufendorf and Grotius were not British, but from Saxony and the Netherlands, respectively.²³⁷

From the British point of view, Rousseau and Montesquieu (1689–1755) were also foreigners. Rousseau was born in the city state of Geneva, while Montesquieu was from Bordeaux. However, both philosophers also travelled and lived in other parts of Europe.²³⁸ Otis brings up Montesquieu, when discussing slavery and colonial trade of industry goods.²³⁹ He promotes the idea of equal rights for all free born men, both black and white, and reminds the reader that

No better reasons can be given, for enslaving those of any colour, than such as

²³² Otis 1765c, 8.

²³³ Otis 1764, 38.

²³⁴ KYLMÄKOSKI 2012, 340.

²³⁵ JEFFERY 2006, 3.

²³⁶ Otis 1764, 38–40.

²³⁷ BIRDAL 2011, 112; JEFFERY 2006, 3, 15, 37–40; ROTH 2008, 90, 101; SCHRÖDER 2008, 64–65.

²³⁸ KYLMÄKOSKI 2012, 340; LAHTINEN 2012, 268, 284–285.

²³⁹ Otis 1764, 43; Otis 1765c, 22–23.

baron Montesquieu has humourously given, as the foundation of that cruel slavery exercised over the poor Ethiopians; which threatens one day to reduce both Europe and America to the ignorance and barbarity of the darkest ages.²⁴⁰

Besides objecting to the slave trade from Africa to America, Otis, of course, speaks for the colonial cause, when he talks about natural rights.²⁴¹ In *The Spirit of the Laws* (1748)²⁴², Montesquieu also condemns slavery giving reasons from both the master's and the slave's point of view. However, Montesquieu discusses slavery in a very lengthy way, and also considers it in the context of race and American colonisation. He argues that making slaves of black Africans is legitimate because they do not have a soul; they are ugly pagans and cannot be treated as humans, but they are useful as work force in the American colonies.²⁴³ Seemingly for Otis, Montesquieu's 'humour' looks very black.

3.3. Borderlines in Motion

In conclusion, we can now draw a border between James Otis's company of fellowship and the group that he considers to be in the opposition. The line between the two sides is straight but that is usually the case when one divides people into 'us' and 'them'.

US	THEM
People	
William III and Mary II	James I, Charles I, Charles II, James II
Dummer, Coke, Locke, Rousseau	Howard, Jenyns, Hobbes, Filmer, Montesquieu
Groups	
British	French, Spanish, Canadians, Indians
Britons, Anglo-Saxons	Romans, Danes, Normans
Protestants	Catholics

The issues that separate these groups from each other are philosophical and political. Otis's "home team" supports colonial autonomy in defence and trade politics; it is against slavery and promotes equal rights among all races; in their view, all the citizens of the Empire are represented in Parliament, which upholds the common law. The opponents speak for centralised trade policy within the Empire and for stationing imperial army in the colonies; they are 'despotic' because of their support for tyrannical absolute monarchy, which is also hereditary.

240 Otis 1764, 43.

241 Otis 1764, 43.

242 LAHTINEN 2012, 269–270.

243 Montesquieu 1777, 310–311, 315–316.

Neither of these two groups never existed, of course. They are compilations of James Otis's ideals and dislikes and of people from several time periods. Otis's team is his extended family of families as SMITH puts it.²⁴⁴ The family is Protestant but does not necessarily obey state borders although it mostly consists of British citizens. James Otis seems to divide people by their thoughts and actions rather than by their citizenship or appearance.

Searching for a colonial ethno-genesis in this chapter, we have studied boundary delineation and myths of common ancestry. Of course the keyhole that we have looked through to these huge landscapes, is very small. What we have found in the works of James Otis, are things that Anthony SMITH includes in the process of ethno-genesis: i.g. suspicious relations between neighbours, ancestral ties to ancient peoples, common religion, and heroic and villainous figures from history as well as from the present.²⁴⁵ However, Otis does not create all these borders around the colonists only. Neighbours live mostly beyond the borders of the entire British Empire; the British and the colonists have a common ancestry; both heroes and villains are of different nationalities. Language does not play a significant part in Otis's way of separating people; at least it does not show in the pamphlets.

According to ethno-symbolism, the *longue durée* of a nation's history may cover a timespan of several hundred, even over a thousand years. This means that nation formation does not concern only the modern period but modern nations may stretch their roots back to earlier pre-modern periods and other forms of community that have preceded them; the history of nations and nationalism did not begin in the late eighteenth century. The *longue durée* provides a nation with the continuity of visual cultural elements, forms, codes, and traditions, but also landscapes, architectural heritage, and domestic and political rituals.²⁴⁶ Even though a core of a group identity, with all its myths, symbols, traditions and memories, may survive through history from pre-modern to modern times, its boundaries to the neighbours do not. Ethnicity is constantly reformed by the social relationship that two interacting groups have, while

244 SMITH 2009, 47.

245 SMITH 2009, 46–47.

246 SMITH 2009, 35–38.

their cultural traits may still remain the same.²⁴⁷

Looking at a timespan of two centuries also the borderlines that separated a possible British American colonial culture from its neighbours, were in constant motion. If we stretched the length of the *longue durée* even further back in time, as Otis himself tends to view the history of the colonists, the boundaries would be relocated back to the old continent and the pre-Columbian times.

247 ERIKSEN 2010, 15–17.

4. THE PAMPHLETS OF GENESIS

We have now addressed all five aspects of the ethno-genesis that ethno-symbolism includes in the development of ethnic communities into nations. Let us now see what they offer us in the context of this thesis. In Chapter 2. we studied James Otis's texts in order to find clues for *a proper name* and *a colonial ethnic core* for the community that it represents as well as marks of *symbolic cultivation*. James Otis calls the British colonists 'Americans' when they are compared with their fellow British citizens on the European side of the Atlantic. Otherwise they are as much part of the great family of the British Empire as anyone else. In any case, the colonists had a distinct name that was generally used only to refer to them.

A colonial ethnic core is something that cannot be found in Otis's written thoughts. According to SMITH, an ethnic core would require a degree of cultural unity and distinctiveness.²⁴⁸ In addition, for a colonial ethno-genesis, a certain geographic concentration of the core would be also required. However, James Otis's pamphlets relay a view that such a concentrated core group does not exist. Otis certainly knows, and in his texts he also mentions culturally likeminded writers but they are not all from the colonies but also from the mother country and the rest of Europe. Therefore, Otis's ethnic core seems to extend even beyond the Atlantic Ocean. Furthermore, the search for distinct colonial symbolic cultivation did not pay off; all cultural symbols seemed to be common between the Americans and Britons.

In Chapter 3., we studied the aspects of *a myth of common ancestry* and *boundary delineation*. For both, we can conclude that those of the colonists – or Americans if you will – could not be separated from the assumed common ancestors among the British people or from the community that the boundaries of the British cultural sphere enveloped. Naturally, that is only the image that James Otis draws us. Hence, by studying Otis, it seems that only one aspect out of five was achieved in the possible ethno-genesis of the mid-eighteenth-century British American colonies.

248 SMITH 2009, 45.

Does this mean that an ethno-genesis did not happen, and if so, what did? If we peeked outside the view that only Otis offers us, we would know that the events that unfolded in the British colonies in the 1770's were part of a snowball effect that started in the middle of the 1760's. The American Revolution that led to the Declaration of Independence in 1776 and to eventually Great Britain losing its American colonies was initiated by the political disagreements between the colonies and the mother country, as Otis among others so clearly describes us. However, the American movement was far from united before the end of the events. There were doubts, fears, and different opinions on the future throughout the colonies, which were pulled into the conflict one by one.²⁴⁹ Therefore, it seems that at the beginning of the process there were only colonists called Americans who did not have much else in common except their British heritage with British memories, symbols, myths, traditions and values. In the end, there was a union of thirteen states that had to get along with each other and their heritage but without their former mother country.

Another question I formulated in Chapter 1.4. was whether ethno-symbolism is a proper tool in analysing James Otis's texts in the context of a colonial identity. Even the length of the analysis tells us that Otis's pamphlets are full of memories, symbols, myths, traditions, and values, which ethno-symbolism instructs us to look for in an ethnic community or a nation. Hence, the material exists, but does the ethno-symbolic tool produce a valid result for our question? Obviously, the verdict it gives on the existence of a colonial ethno-genesis is negative although the potential it had was very strong. We can compare the result with those of other scholars. Comparing the ways the colonies of South and North America gained their independence between the late eighteenth to the mid-nineteenth centuries Benedict ANDERSON reminds his readers that although the British American colonies had a good starting point to form a new nation out of the former group of colonies, the road after the beginning has been difficult. The British colonists took the name 'American' for themselves, they had a densely inhabited territory with shared ways of communication and commerce, and they had a wide wild West to expand their nation to. However, ANDERSON sees the American national experiment as a relative failure because of the difficulties it faced during the state's first hundred years; the Americans expanded to the West but the English speaking Canada never joined them, there was the period of independent Texas for a decade, and of course, the

249 ELLIOTT 2006, 340–341, 343–348, 369–370.

Civil War in the 1860's was an event that strongly divided the people in two.²⁵⁰ From this we may gather that, in ANDERSON's view, the bond between the thirteen original colonies not to mention the subsequent ones was not too strong.

The field of nationalism studies has traditionally recognised two different types of nationalisms: ethnic nationalism and civic nationalism. E.g. Ernest RENAN and Craig CALHOUN have addressed the bipartition by using the national projects of Germany and France as examples. The German nation has presented an image of having a primordial existence; long before the state of Germany was formed it had existed naturally and survived through history with the ethnic German people. France, on the other hand, has the image of a civic nation, which has been born and created by choice and by people who have together made a contract of forming one. Everyone who agreed on the terms of the contract could become a citizen. This is the French state that was founded after the revolution of 1789. Together with France, the United States of America has also been associated with civic nationalism, idea of which was a product of the Enlightenment. Therefore, the first actual civic nation was seemingly born in America although its seed had been planted by European thinkers. The initial American ideal of a nation concentrated on the ideas of freedom and justice, and the universal mission of advancing and preserving them. Discussing the thoughts of another researcher of nationalism Hans KOHN Craig CALHOUN describes the American civic nation as forward-looking in the way that its history has very little meaning compared to the nation's future. More important than common descent or roots were the idea of a common nation and the constitution that actualised its foundation. The new constitution separated the Americans from Europe and from the history that they had shared with the Europeans.²⁵¹ If we were to agree with RENAN, KOHN and others who concur on the idea of an American civic nationalism, our quest for an American ethno-genesis would therefore be at its end. From the ethno-symbolic point of view, it would be pointless to continue the search if history and ethnicity did not have a meaning in the birth of a nation.

However, let us not lose the thought just yet. Anthony D. SMITH himself has an opinion on the matter of the Americans. Discussing the relationship between ethnicity

250 ANDERSON 2007, 108–109.

251 CALHOUN 2007, 61, 131–132.

and nationalism in general he writes that one could argue

[...]that the United States was originally formed on the basis of a dominant ethnies (white Anglo-Saxon Protestant immigrants), but that its later development was the result of successive political and economic decisions of American elites and the varied cultural contributions of waves of non-Protestant and non-Anglo-Saxon immigrant communities; and that, as a result, the basis of American nationhood shifted away from a sense of common Anglo-American ethnicity and its heritage to the broader common values, memories, myths and symbols enshrined in the Declaration of Independence, the Constitution, the Founding Fathers and the memorialisation of the war dead.²⁵²

In SMITH's opinion, the British American population was the ethnic group that initiated the national project, but after the first push, the nation began to live a life of its own and without any clear ethnic guidance. He also notes that while in ethno-symbolic approach history and historic ethnies are generally in important roles in the process of nation formation, that is not always the case. Ethno-symbolism also recognises the influence of possible non-ethnic factors in the process, for example politics and military conflicts. These factors were, of course, very much present in the American case. SMITH points out that ethno-symbolism is not a theory in a scientific sense but it offers the researcher conceptual tools to approach nations and nationalism from a point of view different than that of either modernist or primordial. Ethno-symbolism agrees with e.g. the modernist views in many issues but corrects them in several others.²⁵³ Therefore being an assisting tool by its own definition, I think we can conclude that ethno-symbolism has offered us considerable aid in studying James Otis's texts. The result concerning the existence of a colonial ethno-genesis proved to be mostly negative but, nevertheless, the outcome seems to be comparable to the views of a number of scholars in the field.

It has been 250 years since the British Parliament presented the Stamp Act to the American colonies and the irreparable flow of events was set into motion. It is not an episode that has been celebrated to a great extent in the United Kingdom or in the United States this year. However, there is another anniversary that has been more

²⁵² SMITH 2009, 111.

²⁵³ SMITH 2009, 13, 111.

anticipated in the Anglo-American world; in 1215 King John signed Magna Carta, which de facto verified the laws of Edward the Confessor and immortalised the ideas of the common law and the rights of an Englishman for at least the next 800 years.²⁵⁴ The 800th anniversary of Magna Carta brings together two countries that consider the document to be one of the most important in their history. The entire year is full of events that celebrate the theme in the United Kingdom and the United States. In June Queen Elizabeth II also attends the festivities as the patron of the commemoration event of Magna Carta's sealing at Runnymede Meadows on the banks of River Thames.²⁵⁵ Magna Carta is a symbol that reminds the British and Americans of today about the roots of their country's laws. It reminds today's generations about the conflict because of which it was written and about the heroes and villains that were involved in the events. Even though Great Britain lost its American colonies almost 250 years ago, the mental bond between the colonies and their mother country is still being reinforced by these kinds of symbols, memories, and myths from their shared national past.

254 KIDD 1999, 85.

255 BBC News: Higham 2015, electronic document; MagnaCarta800th 2015, electronic document.

BIBLIOGRAPHY

Primary Sources

(Otis 1761) [*The Writs*]

Manuscript notes of the speech by James Otis: Against Writs of Assistance. 1761. At National Humanities Institute. Last updated 25.3.2004. [11.5.2015]
<http://www.nhinet.org/ccs/docs/writs.htm>

(Otis 1762) [*Vindication*]

Otis, James: *A Vindication of the Conduct of the House of Representatives of the Province of the Massachusetts-Bay: More Particularly in the Last Session of the General Assembly.* Edes & Gill. Boston 1762.

(Otis 1764) [*The Rights*]

Otis, James: *The Rights of the British Colonies Asserted and Proved.* Boston 1764.
Reprinted for J. Almon in London 1764.

(Otis 1765a) [*The Halifax Gentleman*]

Otis, James: *A Vindication of the British Colonies, against the Aspersions of the Halifax Gentleman, in his Letter to a Rhode-Island Friend.* Edes & Gill, Boston 1765. Reprinted for J. Almon in London 1769.

(Otis 1765b) [*Brief Remarks*]

Otis, James: *Brief Remarks on the Defence of the Halifax Libel, on the British-American-Colonies.* Edes & Gill. Boston 1765.

(Otis 1765c) [*Considerations*]

Otis, James: *Considerations on Behalf of the Colonists in a Letter to a Noble Lord. The Second Edition.* Reprinted for J. Almon in London 1765.

Contemporary Litterature

(Adams 1856)

Adams, John: *The Works of John Adams, Second President of the United States: with a Life of the Author, Notes and Illustrations, by His Grandson Charles Francis Adams. Vol. 1.* Ed. Charles Francis Adams. Little, Brown and Company. Boston 1856.

(Arbuthnot & Pope 1741)

Arbuthnot, John & Pope, Alexander: *Memoirs Of the Extraordinary Life, Works, and Discoveries of Martinus Scriblerus - Book I.* 1741.

(Blackstone 1765)[*Commentaries*]

Blackstone, William: *Commentaries on the Laws of England. Book the First.* Clarendon Press. Oxford 1765.

(Dummer 1721)

Dummer, Jeremiah: *A Defence of the New-England Charters.* W. Wilkins. London 1721.

(Howard 1765) [*Halifax Letter*]

Howard, Martin: *A Letter from a Gentleman at Halifax, to his Friend in Rhode-Island, Containing Remarks upon a Pamphlet, Entitled, the Rights of Colonies Examined.* S.Hall. Newport 1765.

(Jenyns 1765)

Jenyns, Soame: *The Objections to the Taxation of Our American Colonists, by the Legislature of Great Britain, Briefly Consider'd.* St. Paul's Church-yard. London 1765.

(Montesquieu 1777)

Montesquieu: *The Spirit of Laws.* [1748] In *The Complete Works of M. de Montesquieu.*

Translated from the French. In Four Volumes. Volume the First. Printed for T. Evans, in the Strand; and W. Davis, in Picadilly. London 1777.

(Pownall 1764)

Pownall, Thomas: *The Administration of the Colonies.* Bible and Sun, St. Paul's Church-yard. London 1764.

(Tudor 1823)

Tudor, William: *Life of James Otis of Massachusetts: Containing also, notices of some contemporary characters and events from the year 1760 to 1775.* Wells and Lilly – Court-Street. Boston 1823.

(Whately 1765)

Whately, Thomas: *The Regulations Lately Made concerning the Colonies, and the Taxes Imosed upon Them, considered.* St. Paul's Church-yard. London 1765.

Illustrations

(Dixon 1774)

Dixon, John: *The Oracle.* Mezzotint. 1774. 53,6cm x 58,5cm. In The British Museum Collection Online. [11.5.2015]

http://www.britishmuseum.org/research/collection_online/collection_object_details.aspx?objectId=1494458&partId=1

Research

(ANDERSON 2000)

ANDERSON, Fred: *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754–1766.* Alfred A. Knopf Incorporated. Westminster 2000.

(ANDERSON 2007)

ANDERSON, Benedict: *Kuvitellut yhteisöt – Nationalismin alkuperän ja leviämisen tarkastelua*. Vastapaino. Tampere 2007 (2006).

(BICKHAM 2006)

BICKHAM, Troy: *Savages within the Empire: Representations of American Indians in Eighteenth-Century Britain*. Oxford University Press. Oxford 2006.

(BIRDAL 2011)

BIRDAL, Mehmet Sinan: *Holy Roman Empire and the Ottomans: From Global Imperial Power to Absolutist States*. I.B.Tauris. New York 2011.

(BLACK 1994)

BLACK, Jeremy: *European Warfare 1660–1815*. UCL Press. London 1994.

(BRENNAN 1939)

BRENNAN, Ellen Elizabeth: James Otis: Recreant and Patriot. In *The New England Quarterly*. Vol. 12, No. 4, Dec. 1939. pp. 691–725.

(BRÜCKMANN 1997)

BRÜCKMANN, Patricia Carr: *A Manner of Correspondence – A Study of the Scriblerus Club*. McGill-Queen's University Press. Montreal, Kingston, London & Buffalo 1997.

(CALHOUN 2007)

CALHOUN, Craig: *Nations Matter – Culture, History, and the Cosmopolitan Dream*. Routledge. London & New York 2007.

(CHAPP 2012)

CHAPP, Christopher B.: *Religious Rhetoric and American Politics – The Endurance of Civil Religion in Electoral Campaigns*. Cornell University Press. Ithaca & London 2012.

(CHRISTIE 1998)

CHRISTIE, Ian, R.: Thomas Whately and the Regulations Lately Made concerning the Colonies. In *The English Historical Review*, Vol. 113, No. 451, Apr. 1998. pp. 300–320.

(COHEN 1967)

COHEN, Sheldon S.: The Diary of Jeremiah Dummer. In *The William and Mary Quarterly, Third Series*. Vol. 24, No. 3, Jul. 1967. pp. 397–422.

(COLLEY 2003)

COLLEY, Linda: Britons. *Forging the Nation 1707–1837. With a New Preface by the Author*. Pimlico. London 2003.

(COOPER 2009)

COOPER, David: *The Musical Traditions of Northern Ireland and its Diaspora – Community and Conflict*. Ashgate Publishing Ltd. Farnham & Burlington 2009.

(DAMROSCH 2013)

DAMROSCH, Leo: *Jonathan Swift: His Life and His World*. Yale University Press. New Haven & London 2013.

(DASTON 2008)

DASTON, Lorraine: Unruly Weather: Natural Law Confronts Natural Variability. In *Natural Law and The Laws of Nature in Early Modern Europe: Jurisprudence, Theology, Moral and Natural Philosophy*. Ed. by Lorraine Daston and Michael Stolleis. Ashgate Publishing Ltd. Farnham & Burlington 2008. pp. 233–248.

(DASTON & STOLLEIS 2008)

DASTON, Lorraine & STOLLEIS, Michael: Nature, Law and Natural Law in Early Modern Europe. In *Natural Law and The Laws of Nature in Early Modern Europe: Jurisprudence, Theology, Moral and Natural Philosophy*. Ed. by Lorraine Daston and Michael Stolleis. Ashgate Publishing Ltd. Farnham and Burlington 2008. pp. 1–12.

(EDLIN 2008)

EDLIN, Douglas E.: *Judges and Unjust Laws – Common Law Constitutionalism and the Foundations of Juridical Review*. The University of Michigan Press. Ann Arbor 2008.

(ELLIOTT 2006)

ELLIOTT, J.H.: *Empires of the Atlantic World. Britain and Spain in America 1492–1830*. Yale University Press. New Haven & London 2006.

(ERIKSEN 2010)

ERIKSEN, Thomas Hylland: *Ethnicity and Nationalism. Anthropological Perspectives. Third Edition*. Pluto Press. London 2010.

(FARRELL 2006)

FARRELL, James M.: The Writs of Assistance and Public Memory: John Adams and the Legacy of James Otis. In *The New England Quarterly*. Vol. 79, No. 4, Dec. 2006. pp. 533–556.

(FERGUSON 1979)

FERGUSON, James R.: Reason in Madness: The Political Thought of James Otis. In *The William and Mary Quarterly, Third Series*. Vol. 36, No. 2, Apr. 1979. pp. 194–214.

(FRESE 1957)

FRESE, Joseph R.: James Otis and Writs of Assistance. In *The New England Quarterly*. Vol. 30, No. 4, Dec. 1957. pp. 496–508.

(GATES 1932)

GATES, Floy Perkinson: James Otis and Jonathan Swift: Comments upon Their Literary Relationship. In *The New England Quarterly*. Vol. 5, No. 2, Apr. 1932. pp. 344–346.

(GELLNER 2008)

GELLNER, Ernest: *Nations and Nationalism. Introduction by John Breuilly. Second Edition*. Blackwell Publishing. Oxford 2006.

(GREENBERG 2010)

GREENBERG, Janelle: "St. Edward's Ghost": The Cult of St. Edward and His Laws in English History. In *Medieval Law and Its Practice, 8 : English Law Before Magna Carta*. Ed. by Stefan Jurasinski, Lisi Oliver and Andrew Rabin. Brill. Leiden & Boston 2010. pp. 273–300.

(GUIBERNAU & HUTCHINSON 2004)

GUIBERNAU, Montserrat & HUTCHINSON, John: History and National Destiny. In *Nations and Nationalism*. Vol. 10, No. 1, 2004. pp. 1–8.

(GUTTRIDGE 1969)

GUTTRIDGE, G.H.: Thomas Pownall's *The Administration of the Colonies: The Six Editions*. In *The William and Mary Quarterly, Third Series*. Vol. 26, No. 1, Jan. 1969. pp. 31–46.

(HASTINGS 1997)

HASTINGS, Adrian: *The Construction of Nationhood. Ethnicity, Religion and Nationalism*. Cambridge University Press. Cambridge 1997.

(JAKONEN 2012)

JAKONEN, Mikko: Kaaoksen ja järjestyksen filosofi – Thomas Hobbes. Teoksessa *Klassiset poliittiset ajattelijat*. Toim. Petri Koikkalainen & Paul-Erik Korvela. Vastapaino. Tampere 2012. ss. 203–241.

(JEFFERY 2006)

JEFFERY, Renée: *Hugo Grotius in International Thought*. Palgrave Macmillan. New York 2006.

(JEZIERSKI 1971)

JEZIERSKI, John V.: Parliament or People: James Wilson and Blackstone on the Nature and Location of Sovereignty. In *Journal of the History of Ideas*. Vol. 32, No. 1, Jan.–Mar. 1971. pp. 95–106.

(KIDD 1999)

KIDD, Colin: *British Identities Before Nationalism. Ethnicity and Nationhood in the Atlantic World 1600-1800*. Cambridge University Press. Cambridge 1999.

(KYLMÄKOSKI 2012)

KYLMÄKOSKI, Merja: Luonnontilasta yhteiskuntasopimukseen – Jean-Jacques Rousseau. Teoksessa *Klassiset poliittiset ajattelijat*. Toim. Petri Koikkalainen & Paul-Erik Korvela. Vastapaino. Tampere 2012. ss. 340–364.

(LAHTINEN 2012)

LAHTINEN, Mikko: Poliitiikan periaatteiden kartoittaja – Montesquieu. Teoksessa *Klassiset poliittiset ajattelijat*. Toim. Petri Koikkalainen & Paul-Erik Korvela. Vastapaino. Tampere 2012. ss. 268–298.

(LLOYD 2001)

LLOYD, Trevor: *Empire: A History of the British Empire*. Hambledon and London. London 2001.

(MORRILL 2000)

MORRILL, John: *Stuart Britain: A Very Short Introduction*. Oxford University Press. Oxford 2000.

(RIENDEAU 2007)

RIENDEAU, Roger: *A Brief History of Canada, Second Edition*. Infobase Publishing. New York 2007.

(ROTH 2008)

ROTH, Andreas: Crimen contra naturam. In *Natural Law and The Laws of Nature in Early Modern Europe: Jurisprudence, Theology, Moral and Natural Philosophy*. Ed. by Lorraine Daston and Michael Stolleis. Ashgate Publishing Ltd. Farnham & Burlington 2008. pp. 89–103.

(RUSHTON 2005)

RUSHTON, Philippe J.: Ethnic nationalism, evolutionary psychology and Genetic Similarity Theory. In *Nations and Nationalism*. Vol. 11, No. 4, 2005. pp. 489–507.

(SAASTAMOINEN 2012)

SAASTAMOINEN, Kari: Kaksi tutkielmaa hallitusvallasta – John Locke. Teoksessa *Klassiset poliittiset ajattelijat*. Toim. Petri Koikkalainen & Paul-Erik Korvela. Vastapaino. Tampere 2012.

(SAMUELSON 1999)

SAMUELSON, Richard A.: The Constitutional Sanity of James Otis: Resistance Leader and Loyal Subject. In *Review of Politics*. Vol. 61, No. 3, 1999. pp. 493–523.

(SCHRÖDER 2008)

SCHRÖDER, Jan: The Concept of (Natural) Law in the Doctrine of Law and Natural Law of the Early Modern Era. In *Natural Law and The Laws of Nature in Early Modern Europe: Jurisprudence, Theology, Moral and Natural Philosophy*. Ed. by Lorraine Daston and Michael Stolleis. Ashgate Publishing Ltd. Farnham & Burlington 2008. pp. 57–71.

(SHAPIRO 2003)

SHAPIRO, Ian: Introduction: Reading Locke Today. In *Two Treatises of Government and A Letter Concerning Toleration – John Locke*. Ed. by Ian Shapiro. Yale University Press. New Haven & London 2003. pp. ix–xv.

(SMITH 2009)

SMITH, Anthony D.: *Ethno-symbolism and Nationalism: A cultural approach*. Routledge. London & New York 2009.

(SMITH 1998)

SMITH, Anthony D.: *Nationalism and Modernism: A critical survey of recent theories of nations and nationalism*. Routledge. London & New York 1998.

(SOMMERVILLE 1991)

SOMMERVILLE, Johann P.: *Filmer – Patriarcha and Other Writings*. Ed. by Johann P. Sommerville. Cambridge University Press. Cambridge 1991.

(VILE 1998)

VILE, M.J.C.: *Constitutionalism and the Separation of Powers (2nd Edition)*. Liberty Fund Inc.. Indianapolis 1998.

(ÖZKIRIMLI 2003)

ÖZKIRIMLI, Umut: The nation as an artichoke? A critique of ethnosymbolist interpretations of nationalism. In *Nations and Nationalism*. Vol. 9, No. 3, 2003. pp.

339–355.

Other Sources

(CANNON 1964)

Cannon, J.A.: *Jenyns, Soame (1704-87), of Bottisham, Cambs.*. In *The History of Parliament. British Political, Social & Local History*. Institute of Historical Research. [11.5.2015]

<http://www.historyofparliamentonline.org/volume/1754-1790/member/jenyns-soame-1704-87>

(Higham 2015)

Higham, Nick: *Just how important is Magna Carta 800 years on?* BBC News. 1.1.2015. [11.5.2015]

<http://www.bbc.co.uk/news/magazine-30641742>

(Locke 2003)

Locke, John: *Two Treatises of Government*. [1689] In *Two Treatises of Government and A Letter Concerning Toleration – John Locke*. Ed. by Ian Shapiro. Yale University Press. New Haven & London 2003. pp. 1–209.

(MagnaCarta800th 2015)

Magna Carta 800th – Foundation of Liberty. *Aspirations for the 800th Anniversary*. [11.5.2015]

<http://magnacarta800th.com/magna-carta-today/2015-aspirations/>

(Raamattu 1992)

Pyhä Raamattu. Suomen evankelis-luterilaisen kirkon kirkolliskokouksen vuonna 1992 käyttöön ottama suomennos. HarperCollins Manufacturing. Glasgow 1992.

APPENDICES

Appendix 1



Illustration 1: John Dixon's painting The Oracle from 1774 depicts the four parts of Great Britain: England, Scotland, Ireland and America. (The British Museum Collection Online)

Appendix 2

Lyhennelmä:

James Otis, Jr. ja Ison-Britannian Amerikan siirtokuntalaisten identiteetti 1760-luvulla

James Otis, Jr. oli bostonilainen lakimies, joka ensimmäisten Ison-Britannian Amerikan siirtokuntalaisten joukossa 1760-luvulla nousi julkisesti vastustamaan Ison-Britannian parlamentin tekemiä siirtokuntiin raskaasti vaikuttaneita verouudistuksia. Hän ajoi siirtokuntalaisten oikeutta omaan edustukseen parlamentissa, johon siihen asti eivät siirtokuntalaiset olleet saaneet äänestää omaa edustajaansa. James Otis perusti argumenttinsa vanhoihin Britanniassa käytössä olleisiin lakimuotoihin, kuten tapalakiin (common law), englantilaisen perusoikeuksiin (the rights of Englishman) ja luonnonoikeuteen (natural law). Siirtokuntien ja parlamentin välisen kiistan yhtenä piirteenä oli myös kysymys siitä, laskettiinko Amerikassa asuvat kansalaiset briteiksi vai ei. Jos heitä ei tunnistettu tasavertaisiksi kansalaisiksi kuin Britteinsaarilla asuvien brittien kanssa, keitä he olivat ja kuuluivatko em. lakien vaikutuspiiriin?

Tässä tutkielmassa tutkin yhtä James Otisin puhetta sekä viittä hänen poliittista pamflettiaan vuosilta 1761–1765. Tutkimuksen päämääränä on tunnistaa merkkejä mahdollisen yhteisen siirtokuntalaisen identiteetin olemassaolosta vallankumousta edeltäneessä Brittiläisessä Amerikassa. Otisin tekstit sisältävät paljon viittauksia kansallisuuksiin, etnisiin identiteetteihin ja vertailuja eri kansojen piirteiden välillä. Naapurikansojen ja -valtioiden vertailun lisäksi Otis kirjoittaa siirtokuntalaisten ja emämaan englantilaisten välisistä eroista sekä yhtäläisyyksistä. Vaikka näiden imperiumin osien välinen poliittinen kiista olikin vakava, Otis kuitenkin vannoo siirtokuntalaisten uskollisuutta Isolle-Britannialle ja ylistää yhtenäistä imperiumia ja sen kuningasta yli kaikkien muiden valtakuntien ja hallitsijoiden.

Apuna tutkimuksessa käytän etnosymbolismia, joka on Anthony D. SMITHin kehittämä kansakuntien ja nationalismien tutkimukseen tarkoitettu tutkimuksellinen lähestymistapa. Etnosymbolismi sisältää käsitteen etnogeneesi (ethno-genesis), joka määrittelee uuden kansakunnan synty miseen vaadittavat sosiologiset edellytykset. Etsin Otisin teksteistä em. edellytyksistä merkkejä, joiden perusteella muodostan kuvan

mahdollisesta yhteisestä siirtokuntalaisesta identiteetistä. Samalla myös arvioin etnosymbolistisen lähestymistavan käyttökelpoisuutta historian lähteiden analysoinnissa liittyen etnisyyteen ja etnisiin identiteetteihin.

Alkuperäislähteet

James Otis piti vuonna 1761 puheen Massachusettsin korkeimman oikeuden istunnossa, jonka käsikirjoituksen alku on edelleen olemassa ja jonka loppuosasta on olemassa muistiinpanot. Näitä yhdessä olen käyttänyt yhtenä alkuperäislähteenä. Puhe oli vastalause uudelle tutkintalupamenettelylle, joka salli luvan saaneita siirtokuntien virkamiehiä tutkimaan minkä tahansa yksityisen tilan mahdollisista salakuljetetuista tuotteista. Puhe oli yksi vaikutusvaltaisimmista menettelyä vastaan pidetyistä esityksistä.

Toinen alkuperäislähde on James Otisin vuonna 1762 kirjoittama pamfletti, jossa hän puolustaa Massachusetts Bayn siirtokunnan edustajanhuoneen toimia sota-aikana eteen tullessa poikkeustilanteessa, jossa siirtokunnan kuvernööri oli lakien mukaan ylittänyt toimivaltansa. Tähän edustajanhuone oli esittänyt vastalauseensa, johon Otis pamfletissaan yhtyy. Ison-Britannian parlamentin verouudistusten sarja alkoi vuonna 1764, jolloin se sääti uuden valuuttalain (Currency Act) sekä sokerilain (Sugar Act), joita seuraavana vuonna seurasi leimalaki (Stamp Act). Koska uusia lakeja ei ollut säätämässä siirtokuntien edustajia, vaikka lait niitä suoraan koskettivat, lakien voimaantulo aiheutti valtavan protestien, mellakoiden ja pamflettien ryöpyn, jossa mukana oli myös Otisin panos. Vuonna 1764 Otis julkaisi merkittävimmän pamflettinsa, jossa hän esittelee näkemyksiään parlamentin ja Amerikan siirtokuntien välisestä suhteesta, kummankin osapuolen oikeuksista ja velvollisuuksista ja siitä, miten hallinto tulisi siirtokuntien osalta järjestää. Kirjoituksen merkittävimpana teemana on vastustaa parlamentin oikeutta verottaa siirtokuntia ilman niiden omaa parlamenttiedustusta.

Kolme viimeistä pamflettia James Otis kirjoitti vuonna 1765. Niistä kaksi ensimmäistä ovat vastauksia Martin Howard -nimiselle Rhode Islandilaiselle lakimiehelle, joka omissa kirjoituksissaan kannatti uutta leimalakia. Otisin vastauspamflettien teemat jatkavat samoilla linjoilla edellisten kanssa: aiheina ovat siirtokuntalaisten ja siirtokuntien oikeudet sekä Britannian siirtomaapolitiikka ja parlamentin edustus-oikeus yleisesti. Myös vuoden 1765 kolmas, ja viimeinen Otisin teksteistä, jatkaa samoilla

teemoilla.

Anthony D. SMITH ja etnosymbolismi

Etnosymbolismi on Anthony D. SMITHin perustama ja pääosin kehittämä kansakuntien ja nationalismien tutkimuksen suuntaus, joka sijoittuu perinteisen modernistisen ja perennalistisen koulukunnan välimaastoon. Etnosymbolismi yhtyy monessa asiassa modernistisen valtiolähtöisen nationalismin näkemyksiin mutta painottaa erityisesti kansalaislähtöistä näkemystä kansakunnan syntyprosessissa. Etnosymbolismin mukaan kansakunnat eivät ole keksittyjä modernin ajan tuotoksia vaan niiden juuret voivat ulottua satojen vuosien taakse historiaan. Suuntaus perustuu vahvasti etnisyyden sekä etnisten ryhmien ja identiteettien kansakunniksi kehittymisen pohjalle.

Etnosymbolismin mukaan etnogeneesi on prosessi, jossa tiettyjä sosiaalisia edellytyksiä omaava yhteisö voi kehittyä uudeksi kansakunnaksi. Edellytyksiä on viidenlaisia: (1) Yhteisöllä on oltava sen itsensä hyväksymä ja sen toisista kansakunnista selvästi erottava nimi. (2) Yhteisöllä on oltava piirissään ydinryhmä, joka aktiivisesti ajaa sen kehittymistä erilliseksi uudeksi kansakunnaksi. (3) Yhteisöllä on oltava yhteisiä historiallisia symboleja, myyttejä, muistoja, perinteitä ja arvoja, joiden avulla se vahvistaa omaa yhtenäisyyttään ja samalla erottautuu muista kansoista. (4) Yhteisöllä on oltava myytti yhteisistä juurista ja esi-isistä, mikä liittää senhetkisen sukupolven menneisiin polviin. (5) Yhteisön oma etninen identiteetti muotoutuu vetämällä rajoja oman ja naapuriyhteisön välille, mikä käytännössä tarkoittaa eron tekemistä 'meidän' ja 'toisten' välille.

James Otisin nimien imperiumi

James Otisin tekstit kertovat hänen näkemyksensä Isosta-Britanniasta olevan yksi yhtenäinen valtakunta, jonka kaikki kansalaiset ovat brittejä (British) asuivat he sitten Euroopassa tai Amerikassa. Siirtokuntalaisia hän kutsuu 'amerikkalaisiksi' tai 'Amerikan siirtokuntalaisiksi' ja Britannian saaren asukkaista hän käyttää nimitystä 'Briton'. Imperiumin yhtenäisyyden hän rikkoo vain, kun puheeksi tulee valtion sisäiset asiat, jolloin hän erottaa Atlantin eri rannat toisistaan nimillä 'Amerikka' ja 'Eurooppa'. Siirtokuntien sisäisiäkin eroja on Otisin tekstistä löydettävissä: pohjoisen siirtokunnat (Northern Colonies) ja Länsi-Intian saariston ns. sokerisiirtokunnat (Sugar Colonies)

eroavat toisistaan elinkeinomuotojensa kohdalla ensimmäisten keskittyessä kaupankäyntiin ja jälkimmäisten sokerinviljelyyn. Naapurikansoja Otis käsittelee esim. nimillä, ranskalaiset, espanjalaiset, kanadalaiset ja intiaanit.

Siirtokuntalaisten ydin

James Otisin poliittisia hengenheimolaisia asuu imperiumissa sekä Atlantin länsi- että itärannalla, samoin vastustajia. Eriävistä mielipiteistään huolimatta kaikki tuntevat kuitenkin olevansa brittejä ja lojaaleja Isolle-Britannialle. Tekstien perusteella osa Otisin poliittisista vastustajista kannattaa Britanniakeskeistä valtiota, jossa emämaan menestys nostetaan etusijalle. Otisin mielestä siirtokuntien tulisi taas olla tasavertaisia tekijöitä imperiumin politiikassa sekä sisä- ja ulkomaankaupassa. Etnosymbolismin ja etnogeneesin edellyttämää siirtokuntalaisten tiivistä ydintä ei Otisin pamfleteista pysty löytämään. Samanmieliset kirjoittajat ovat levittäytyneet ympäri imperiumia ja osa myös muualle Eurooppaan. Halua kansakunnan saati itsenäisyyden tavoitteluun ei heillä näytä olevan.

Kansallisten symbolien vahvistaminen

Yhteisön symboleihin lukeutuvat historialliset myytit, traditiot, muistot ja arvot, joihin voidaan liittää myös vanhat lait. Otis ottaa esiin monia vanhoja englantilaisia lakeja ja lainlaatijoita, joista varhaisimpia ovat Edvard Tunnustaja sekä hänen seuraajansa Vilhelm Valloittaja. Magna Carta mainitaan useassa kohtaa Britannian perustuslain tukipilarina ja tapalain alkuperäisenä sopimusdokumenttina. Kuten jo edellä kävikin ilmi, myös luonnonoikeus, samoin luonnonlait, ovat huomionarvoisia termejä, joita pamfleteissa tulee vastaan. Vanhat monen tuntemat tarinat ja laulut vievät lukijan ja kuulijan myös kansallisen identiteetin alkulähteille. Sukupolvien ajan säilynyt muisto sotatantereelta tai sellaisesta tehty laulu yhdistää yhteisön jäseniä keskenään ja liittää heidät menneiden sukupolvien kokemuksiin. James Otis rakentaa symbolisen yhteyden jopa antiikin aikaan ja sen valtakuntiin asti. Hän vertaa Ison-Britannian imperiumia Kreikkaan, kun taas Rooman imperiumin hän näkee hirvityksenä verrattuna sitä edeltäneeseen Rooman tasavaltaan. Samanlaista Kreikka-Rooma-vertailua harrastavat myös muut ajan kirjoittajat, mm. Martin Howard Ison-Britannian siirtomaapolitiikkaa käsitellessään.

Yhteisöjen rajojen vetäminen

Yhteisöt ja kansakunnat erottavat itseään muista monella tavalla ja niistä uskonto on yksi ilmeisimmistä keinoista. James Otisin aikana 1700-luvun puolivälissä siirtokuntalaisten valtauskonto oli protestanttisuus monessakin eri muodossaan. Ensimmäiset Amerikan brittisiirtokunnat saivatkin alkunsa 1600-luvun alkupuolella Englannin anglikaanisesta kirkosta eronneiden ryhmien muuttoliikkeestä uudelle mantereelle. Otisille katolilaisuus on suuri peikko, jota ajan naapurivaltioista edustavat Ranska ja Espanja. Protestanttinen uskonto erotti siirtokuntalaisia siis imperiumin naapureista mutta toisaalta myös yhdisti siirtokuntalaisia itseään sekä tuona aikana että sukupolvien välillä. Ranska ja Espanja ovat Otisin silmissä huonossa valossa myös muiden kuin uskonnollisten tekijöiden vuoksi. Seitsenvuotinen sota, jossa Iso-Britannia oli sotinut mm. Ranskaa ja Espanjaa vastaan, päättyi 1763 eli aikana, jolloin Otis tuotti pamflettejaan. Vihollismaat Otis näkee despoottisina valtioina verrattuna Britannian loistavaan hallitusmuotoon ja Amerikan mantereella siirtokuntien lähimmät naapurit, paikalliset intiaaniheimot, ovat bostonilaisen silmissä viljejä raakalaisia. Kanada saa Otisilta kevyemmän tuomion, vaikka sodassa vastakkaisella puolella olikin.

Ystävät ja viholliset esi-isien joukossa

Britannia on vuosisatojen saatossa nähnyt monta valloittajaa, jotka kukin vuorollaan ovat sulautuneet saaren väestöön ja tuoneet tapoihin omat kulttuuriset lisänsä. James Otis jakaa valloittajat kahteen eri leiriin; hänelle alkuperäisiä brittejä ovat olleet Rooman imperiumin valloitusretkiä edeltäneet saarelaiset sekä keskiaikaiset anglosaksit; vihollisvalloittajia ovat roomalaisten lisäksi olleet tanskalaiset viikingit ja normannit, vaikka kaksi jälkimmäistä ryhmää olivat hekin oman panoksensa antaneet Britteinsaarten ja myös Amerikan siirtokuntalaisten geeniperimään. Britannian siirtomaa-ajan hallitsijat ovat myös vahvasti esillä teksteissä. Jaakot ja Kaarlet 1600-luvulla ovat erityisesti Otisin hampaissa. Hänelle he ovat esimerkkejä huonoista hallitsijoista, kun taas Jaakko II:n valtaistuimelta karkoittanut Vilhelm III puolisonsa Maria II:n kanssa ovat taas valtakunnan pelastajia ja uuden paremman ajan airuita. Hallitsijoiden lisäksi Otis kaivaa historiasta esiin myös filosofeja ja ajattelijoita, jotka hän sijoittaa omien mielipiteidensä mukaisesti eri leireihin. Hänen kanssaan samoin ajattelevia ovat olleet etenkin John Locke, Edward Coke sekä Jean-Jacques Rousseau. Toisella puolella aitaavat ovat olleet mm. Thomas Hobbes, Robert Filmer ja Montesquieu.

Etnosymbolismin avustama analyysi siirtokuntalaisesta identiteetistä

Kun olen lukenut Otisin tekstejä pitämällä mielessä etnogeneesin edellyttämät viisi tekijää, on tulos varsin negatiivinen. Etnosymbolismin näkökulmasta katsottuna siirtokuntalaisilla oli vaadituista edellytyksistä saavutettuna vain oma erityinen nimensä: amerikkalaiset. Otisin tekstien perusteella muut neljä tekijää eivät täyty, koska siirtokuntalaiset eivät erottaudu brittiläisestä valtakulttuurista omaksi erilliseksi ryhmäkseen. James Otis vannoo yhtenäisen imperiumin ja brittiläisen historian sekä kulttuurin nimeen eikä ole siinä yksin. Sekä hänen poliittiset ja filosofiset kannattajansa että vastustajansa ovat osa yhtä suurta brittien perhettä – tämä ainakin on kuva, jonka Otis 1760-luvun tekstiensä kautta välittää. James Otisin tuotanto luo kuvan siirtokunnista, jotka ovat kiinteä osa britti-imperiumia ja halukkaita tulevaisuudessa myös jatkamaan sellaisena, kunhan heillä on myös edustus maan parlamentissa. Etnosymbolistisen analyysin avustamana voimme todeta, että siirtokuntalaista etnogeneesiä ei 1760-luvulla tapahtunut vaan seuraavalla vuosikymmenellä allekirjoitettu 13 siirtokunnan itsenäisyysjulistus pohjautui muihin kuin etnosymbolismin määrittelemiin kansallisen heräämisen edellytyksiin. Negatiivisesta lopputuloksesta huolimatta etnosymbolismi osoittautui tässä työssä hyväksi analyttiseksi työkaluksi.